



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>



3 2044 010 316 313

Harvard College Library



FROM THE BRIGHT LEGACY

One half the income from this Legacy, which was received in 1880 under the will of

JONATHAN BROWN BRIGHT
of Waltham, Massachusetts, is to be expended for books for the College Library. The other half of the income is devoted to scholarships in Harvard University for the benefit of descendants of

HENRY BRIGHT, JR.,
who died at Watertown, Massachusetts, in 1696. In the absence of such descendants, other persons are eligible to the scholarships. The will requires that this announcement shall be made in every book added to the Library under its provisions.



1



HISTORY

OF

NEWBURY, MASS.

1635-1902

BY

JOHN J. CURRIER

AUTHOR OF "Old Newbury": *Historical and Biographical Sketches*

WITH MAPS AND ILLUSTRATIONS

BOSTON

DAMRELL & UPHAM

1902

21513375.5.9 (1)

~~US 13375.5.9~~

Harvard College Library

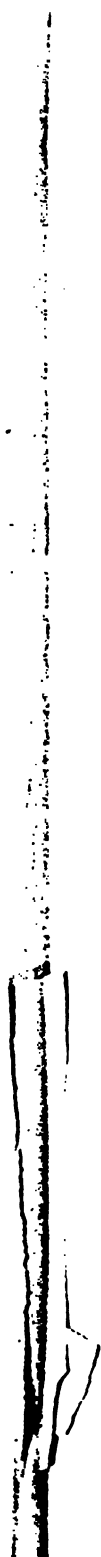


FROM THE BRIGHT LEGACY

One half the income from this Legacy, which was received in 1880 under the will of

JONATHAN BROWN BRIGHT
of Waltham, Massachusetts, is to be expended for books for the College Library. The other half of the income is devoted to scholarships in Harvard University for the benefit of descendants of

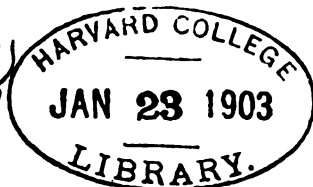
HENRY BRIGHT, JR.,
who died at Watertown, Massachusetts, in 1686. In the absence of such descendants, other persons are eligible to the scholarships. The will requires that this announcement shall be made in every book added to the Library under its provisions.



~~US 13375.5.9~~

~~10322.10.6~~

21513375.5.9(2)



Bright Fund.

COPYRIGHT, 1902

BY

JOHN J. CURRIER



P
G
B

TO MY WIFE

A NATIVE OF NEWBURY

AND A DESCENDANT OF HENRY LUNT

ONE OF THE FIRST SETTLERS OF THE TOWN

THIS BOOK IS DEDICATED

PREFACE.

ALTHOUGH Joshua Coffin prepared his history of Newbury, in 1845, with considerable care and minuteness, and George J. L. Colby, in the History of Essex County, in 1878, and Hon. William T. Davis, in a similar work, ten years later, published historical sketches of the town, the reader will find in the following pages some additional facts, with foot-notes and references for the convenience of those who wish to consult the authorities quoted.

My thanks are especially due to Sidney Perley, esq., of Salem, and to Mr. George F. Dow, secretary of the Essex Institute, for advice and assistance in preparing this volume for the press; to Mr. C. W. Ernst, of Boston, for valuable hints and suggestions in regard to the early postal service in Newbury; to Rev. Rufus Emery, Capt. James O. Knapp, and Mr. Oliver B. Merrill, of Newburyport, for interesting genealogical and historical facts; and to Messrs. William Little and Isaac W. Little, of Newbury, for information obtained from town and parish records.

Many of the maps and illustrations in this volume are reproductions of old prints; but most of the views of local scenery were taken expressly for this work by Messrs. Ed-

ward E. Bartlett, William C. Thompson, and Selwyn Reed, photographers, of Newburyport.

I have been compelled to leave some of the minor events and incidents in the history of Newbury unnoticed, and have found it absolutely impossible to include valuable papers and documents, relating to the social and commercial life of Newburyport, without increasing the number of pages in this book beyond a reasonable limit. I hope, however, in a few years to publish in a separate volume the history of Newburyport from its incorporation in 1764 to the present time.

JOHN J. CURRIER.

NEWBURYPORT, December 1, 1902.

TABLE OF CONTENTS.

CHAPTER	PAGE
I. THE EARLY EXPLORERS AND SETTLERS OF NEW ENGLAND,	13
II. THE SETTLEMENT AT PARKER RIVER, 1635-1645	28
III. THE SETTLEMENT AT MERRIMACK RIVER, 1645-1685	87
IV. THE SETTLEMENT AT MERRIMACK RIVER, 1685-1765	194
V. THE SETTLEMENT AT MERRIMACK RIVER, 1765-1902	269
VI. CHURCHES AND PASTORS	311
VII. SCHOOLS AND SCHOOLMASTERS	395
VIII. HIGHWAYS	413
IX. FERRIES	431
X. POSTAL SERVICE	465
XI. COMMERCIAL AFFAIRS AND SHIP-BUILDING	475
XII. MILITARY ORGANIZATIONS AND INDIAN WARS	493
XIII. FRENCH AND INDIAN WARS	514
XIV. LOUISBOURG, CROWN POINT, AND QUEBEC	547
XV. REVOLUTIONARY WAR	581
XVI. SOLDIERS IN THE REVOLUTIONARY WAR	600
XVII. THE EMBARGO AND THE WAR OF 1812	620
XVIII. WAR OF THE REBELLION	631

APPENDIX.

I. TOWN CLERKS	639
II. OATH OF ALLEGIANCE TO THE KING	642
III. KENT'S ISLAND	643
IV. RICHARD DUMMER	647
V. CART CREEK	653
VI. FIRST PARISH MEETING-HOUSE	654
VII. SECOND PARISH CHURCH	655
VIII. SCHOOLS AND SCHOOLMASTERS	656

TABLE OF CONTENTS

	PAGE
IX. WOODWELL'S SHIP-YARD	658
X. MILITARY ORGANIZATIONS DURING THE FRENCH AND INDIAN WARS	659
XI. REVOLUTIONARY WAR	661
XII. PHYSICIANS IN NEWBURY FROM THE FIRST SETTLEMENT OF THE TOWN, IN 1635, TO THE INCORPORATION OF NEWBURYPORT, IN 1764	662
XIII. "PIERCE HOUSE AT THE UPER END OF CHANDLER'S LANE,"	670
XIV. THE SEWALL HOUSE, NEAR "TRAYNEING GREEN"	672
XV. DEPUTIES TO THE GENERAL COURT	675
INDEX	689

MAPS AND ILLUSTRATIONS.

PLUM ISLAND RIVER AND PARKER RIVER, <i>Frontispiece</i>	PAGE
CAPT. JOHN SMITH	16
MAP OF THE SOUTH PART OF NEW ENGLAND, 1634	24
THE LOWER GREEN	37
THE BURVING GROUND	59
FAC-SIMILE TOWN OF NEWBURY RECORDS, 1638	63
MAP OF NEWBURY, MASS., 1640	83
OAK TREE IN "THE GERRISH PASTURE"	130
SAMUEL SEWALL	190
FAC-SIMILE OF THE TITLE-PAGE OF "THE NEW HEAVEN UPON THE NEW EARTH"	192
MAP OF THE MERRIMACK RIVER, 1741	158
A FREEHOLD LOT IN "THE UPPER WOODS"	211
NEWBURY MARSHES	221
DEPUTY GOVERNOR WILLIAM DUMMER	232
MAP OF NEWBURY—PARISH LINES—1795	239
LANDING PLACE AT PINE ISLAND	263
ROCKS BRIDGE, FROM WEST NEWBURY	278
FIRE ENGINE, 1850	288
MAP OF NEWBURY—BOUNDARY LINES—1902	308
FAC-SIMILE TITLE-PAGE OF "THE TEMPLE MEASURED," BY REV. JAMES NOYES	312
FAC-SIMILE TITLE-PAGE OF "THE VISIONS AND PROPHECIES OF DANIEL," BY REV. THOMAS PARKER	323
FAC-SIMILE TITLE-PAGE OF A PAMPHLET ENTITLED "A LETTER TO MRS. ELIZABETH AVERY," BY REV. THOMAS PARKER	325
FAC-SIMILE TITLE-PAGE OF "MOSES AND AARON," BY REV. JAMES NOYES	326

	PAGE
FAC-SIMILE OF INTRODUCTORY PAGE TO "MOSES AND AARON" . . .	327
FAC-SIMILE OF DEDICATION TO "MOSES AND AARON"	329
FIRST PARISH MEETING-HOUSE, 1806	346
SECOND PARISH MEETING-HOUSE	363
BYFIELD CONGREGATIONAL MEETING-HOUSE	367
FOURTH PARISH MEETING-HOUSE	380
SCHOOL-HOUSE ON "TRAYNEING GREEN".	409
STONE WALL ON HIGHWAY FROM PARKER RIVER TO "TRAYNEING GREEN"	414
BRIDGE OVER ARTICHOKE RIVER ON THE BRADFORD ROAD . . .	423
FERRY ROUTES, CARR'S ISLAND, 1641, 1655	438
AMESBURY FERRY LANDING PLACE	440
MARCH'S FERRY LANDING PLACE	454
POST-RIDER, 1734	471
STAGE-COACHES, 1793	473
STAGE-COACH, 1820	474
SHAPE AND RIG OF VESSELS, 1800	487
BRIG "OLIVE" FROM A WATER COLOR SKETCH PAINTED IN 1819 .	490
KING PHILIP BY PAUL REVERE	509
CASCO FORT, 1713	525
MAP OF PORT ROYAL, 1744	532
MAP OF THE ISLAND OF CAPE BRETON, 1746	548
SIEGE OF LOUISBOURG, 1745	551
BATTLE OF LAKE GEORGE, 1755	558
LAKE GEORGE, TICONDEROGA, AND CROWN POINT	561
GENERAL JAMES WOLFE	577
BRONZE TABLET	594
JOSHUA COFFIN	641
DR. JOHN CLARKE	663
SEWALL HOUSE	673

HISTORY OF NEWBURY.

HISTORY OF NEWBURY.

CHAPTER I.

THE EARLY EXPLORERS, AND SETTLERS OF NEW ENGLAND.

FOR more than a century after the discovery of America by Christopher Columbus, that portion of the continent extending from Newfoundland to Virginia was seldom visited by European explorers, and its rivers and harbors were practically unknown.

In 1602, Capt. Bartholomew Gosnold, in a small ship called the "Concord," sailed from Falmouth, England, well supplied with men and provisions, intending to make a settlement in the New World between the fortieth and fiftieth degrees of north latitude.

Instead of following the usual route by the Canary Islands and the West Indies, he steered directly across the Atlantic, and in seven weeks reached the coast of Maine, in all probability, at or near the point of land now known as Cape Elizabeth. Following the coast in a southerly direction, he anchored at Cape Cod, within a league of the shore, where he found fish in abundance, and gave to that prominent headland the name that it still bears. Continuing his voyage around the cape, he landed at the mouth of Buzzard's Bay; and on an island of the Elizabeth group, now known as Cuttyhunk, he built a fortified house and attempted to plant a colony. A few weeks exposure to the hostility of the Indians, supplemented by serious quarrels and dissensions among the men who were to remain in the new settlement, induced him to abandon the enterprise; and, loading his ship with sassafras root, cedar timber, furs, and other commodities, he re-embarked his whole company, and returned to England. On his

arrival there July 23, 1602, great interest was awakened in the country he had visited; and the merchants of Bristol raised the sum of one thousand pounds sterling for the purpose of sending out another exploring expedition.

April 10, 1603, Martin Pring, in command of two vessels of one fifty and the other twenty-six tons burthen, and a crew of forty-four men and boys, sailed from Milford Haven, and arrived at the mouth of the Penobscot river June seven. Cruising along the coast to the southward, he entered Massachusetts Bay, and came to anchor in Plymouth harbor seventeen years before the landing of the Pilgrims.* For weeks he explored the woods in that neighborhood, where he found sassafras in abundance; and, having loaded his vessel with that fragrant product of the forest, he returned to England, where he arrived October 2, 1603.

Sieur de Monts with Samuel de Champlain sailed from Havre de Grâce April 7, 1604, on a voyage of discovery, and landed on the shores of Nova Scotia May 8, 1604. Together they explored the bay of Fundy, entered and examined Annapolis harbor, and during the following winter found shelter on an island in St. Croix river, where they built a few rude houses and formed a temporary settlement. Continuing their explorations the following summer, they sailed along the coast, and at sunset, July 15, 1605, were near Little Boar's head, with the Isles of Shoals directly east of them. They saw in the distance the dim outline of Cape Ann, whither they directed their course, and before morning came to anchor near its eastern extremity in sixteen fathoms of water. At an early hour the next day Champlain, with a few men taken from his ship's crew, went on shore to confer with the natives and obtain information needed in order to continue his voyage farther south. He drew a map of the coast along which he had sailed. The Indians added to the sketch an accurate outline of Massachusetts Bay, and also inserted the Merrimack river, which he had not seen, its mouth or entrance having been concealed by the low sand-hills of Plum island.†

* Narrative and Critical History of America, vol. iii., p. 174.

† Publications of the Prince Society, 1880. Voyages of Samuel de Champlain, vol. i., p. 31.

Capt. George Weymouth sailed from Dartmouth, England, on Easter Sunday, May 15, 1605; and June 18 he anchored on the north side of the island of Monhegan, at the mouth of Penobscot bay, on the coast of Maine. He afterwards explored the Kennebec river, planting a cross at one of its upper reaches; and, capturing five Indians, he took them by force with him to England on his return.

King James I. ordered in 1606 that the American territory claimed by England should hereafter be known as South Virginia from Cape Fear to the Potomac and North Virginia from the mouth of the Hudson to Newfoundland.

Sir Ferdinando Gorges, having obtained from the king a patent, or grant, of the territory extending from the thirty-eighth to the forty-fifth degree north latitude, attempted to establish a permanent colony at the mouth of the Sagadahoc, now the Kennebec river. On the last day of May, 1607, two small vessels, under the command of Capt. George Popham and Capt. Rawleigh Gilbert, were sent out with men and supplies to begin the new settlement. Early in the month of August following they reached the island of Monhegan, called by them the island of St. George. And there

Sondaye beinge the 9th of August, in the morninge the most part of our holl Company of both our shipes landed on this Illand, the wch we call St. Gerge's Illand whear the crosse standeth; and there we heard a sermon delyvred unto us by our preacher, gyuinge God thanks for our happy metinge and saffe aryvall into the Contry; and so retorned aboard aggain.*

The Rev. Richard Seymour, a minister of the Church of England, accompanied the expedition, and, undoubtedly, preached the sermon and read the prayers of this the first religious service conducted by a clergyman within the present limits of New England.

A favorable situation on the peninsula of Sabino, on the west bank of the Sagadahoc river, was selected as the site of the new colony. They built a church, a fort, a storehouse, and some dwellings. During the winter that followed Cap-

* Narrative and Critical History of America, vol. iii., p. 176.



*These are the Lines that shew thy Face; but those
 That shew thy Grace and Glory brighter bee:
 Thy Faire-Discoveries and Fowle-Overthrowes
 Of Salvages, much Civillizd by thee
 Best shew thy Spirit; and to it Glory (Wyn
 So, thou art Brasce without, but Golde within
 If so; in Brasce, too soft smiths Acts to beare)
 I fix thy Fame, to make Brasce Steele out weare*

*Thine, as thou art Virtues.
 John Davies. Heref.*

tain Popham died, and their storehouse was destroyed by fire. In the spring, when a ship came out with supplies, the colonists, discouraged and disheartened by misfortunes and illness, decided to abandon the enterprise and return to England. Subsequently Sir Francis Popham, and others who were interested with him in the fur trade that had been established with the Indians, sent one or more vessels annually to the coast of Maine, and for many years carried on a brisk trade.

In the month of April, 1614, Capt. John Smith, the famous navigator, arrived at Monhegan with two small ships, intending to engage in whale-fishing there; but, finding the conditions unfavorable, he decided to load his vessels for the homeward voyage with codfish and furs. Taking eight men in a small boat, he left the ships, with the rest of the party employed in catching and curing fish, while he cruised along the coast, collecting furs, from the mouth of the Penobscot to Cape Cod. He explored every island, headland, and harbor between the two points named, and made a map of the country, which he published, with his account of the voyage, in London in 1616. This map, although defective in many respects, gave the configuration of the coast with greater accuracy than any map issued from the press previous to that date. The country known to the earlier voyagers as "Norumbega," "North Virginia," or "Canada," he called "New England," a name that it still bears.* To that group of rocky islands now called the Isles of Shoals he gave the name of Smith's Isles, and in his description of New England says, "Smith's Isles are a heape together, none neere them against Accomintycas." The prominent headland known as Cape Ann appears upon the map; and on the northerly side of it, close to the shore, is an unnamed island that twenty years later the first settlers of Newbury named Plum Island.

In his description of this locality, Smith says: "There are many sands at the entrance of the Harbour [of "Angoan"

* "I took the description," he says, "of the coast as well by map as writing, and called it New England. At my humble suit, Charles, Prince of Wales, was pleased to confirm it by that title." *Voyages of Capt. John Smith*, republished in *Massachusetts Historical Society Collections*, vol. xxiii., p. 30.

or "Aggawom," now Ipswich] and the worst is, it is embayed too farre from the deepe sea; here are many rising hills, and on their tops and descents are many corne fields and delightfull groues; on the East an Ile of two or three leagues in length [Plum Island] the one halfe plaine marish ground, fit for pasture or salt Ponds, with many faire high groues of mulbery trees and Gardens; there is also Okes, Pines, Walnuts and other wood to make this place an excellent habitation being a good and safe Harbour," from thence "doth stretch into the sea the faire head land" now called Cape Ann, "fronted with three isles," named "the three Turks heads."

Soon after the return of Capt. John Smith to England, new schemes of colonization were zealously advocated. As early as September, 1617, the Pilgrim exiles settled at Leyden, Holland, commenced negotiations for liberty to plant a colony in America. November 11-21, 1620, the "Mayflower" anchored in Provincetown harbor, Cape Cod; and December 11-21 the Pilgrims landed at Plymouth.

Meanwhile the king had granted to Sir Ferdinando Gorges and others a patent covering the territory of North America between the fortieth and forty-eighth degrees of latitude; and the gentlemen interested in this grant were incorporated as "the Council established at Plymouth, in the County of Devon, for the planting, ruling, ordering, and governing of New England in America." The settlement at Plymouth was included in this grant, and the colonists were subsequently authorized and empowered by the council to take a certain quantity of land and set up a government there. Other portions of this vast territory, imperfectly described and incorrectly bounded, were conveyed to various individuals and corporations, which ultimately led to vexatious disputes and law-suits.

March 9, 1621-2, the president and council granted to Capt. John Mason, under the name of Mariana, "all the land lying along the Atlantic from Naumkeag River to the Merrimack River, and extending back to the heads of those rivers, . . . to gather with the Great Isle or Island henceforth to

be called Isle Mason lying neere or before the Bay, Harbor or y^e river Aggawom." *

This grant included nearly all the territory within the present limits of the county of Essex, but no settlements were made under it. The patent granted the colony of Massachusetts Bay, several years later, covered the same territory, and added to it the land lying between the Charles and the Naumkeag rivers.

On the tenth day of August, 1622, the Council for New England granted Capt. John Mason and Sir Ferdinando Gorges, jointly, all the land lying between the Merrimack and Sagadahoc (now Kennebec) rivers, extending sixty miles inland and including all islands within five leagues of the shore. With the aid of several wealthy merchants of London a company was organized, under the name of the Laconia Company; and plans were matured for the development of the country and the establishment of a fishing station at the mouth of the Piscataqua river. In the spring of 1623, David Thompson, a Scotchman, with a small company, commenced a settlement there, and erected the first house at a place called Little Harbor.

Capt. Myles Standish, having been sent by the governor of Plymouth Colony "to buy provisions for the refreshing of the colony, returned with the same [July, 1623] accompanied with one Mr. David Tomson, a Scotchman, who also that spring began a plantation twenty-five leagues northeast from us, near Smith's Isles, at a place called Pascatoquack, where he liketh well." †

In 1626, Governor Bradford and Edward Winslow, with some others of Plymouth Colony, were at Little Harbor, and in company with Mr. Thompson visited the settlement at Monhegan, where they purchased from the colonists there, and from a French vessel wrecked near that island, various articles of merchandise valued at five hundred pounds.‡

* *Memoir Capt. John Mason*, by Charles W. Tuttle, printed by the Prince Society, 1887, p. 173. Felt, in his *History of Ipswich* (p. 36) says that the great island mentioned in the grant to Captain Mason must have been the island now known as Plum Island.

† "Good Newes from New England," by Edward Winslow. Published in London in 1624. Reprinted in the "Chronicles of the Pilgrims," by Alexander Young, p. 339.

‡ Bradford's *History of Plimoth Plantation*, printed by order of the General Court of Massachusetts, pp. 251, 252.

At this time there were several small settlements scattered along the New England coast, and trade with the Indians was steadily increasing.

The catching and curing of fish furnished employment for a large number of men and ships. Capt. John Smith, in his account of "New Plimouth," published in 1624, says,

In 1620 six or seven ships went from the west of England to fish on the Northeastern coast of New England; in 1621 ten or twelve; in 1622 thirty-five; in 1623 about forty; and in 1624 fifty or more.

The Council for New England, desiring to increase the value of its property, decided to distribute to each of its shareholders a certain portion of its territory not otherwise disposed of. The region about Cape Ann, extending probably to the Merrimack river, fell to the lot of Lord Sheffield, who conveyed it by charter January 1, 1623-4, to Robert Cushman and Edward Winslow and their associates of Plymouth Colony, who were authorized to eject any person building or settling there without permission.*

Late in the autumn of 1624 a ship, "caled y^e Charitie" arrived at Plymouth with a cargo of provisions and household supplies. She was hastily discharged and sent to Cape Ann, with some of the prominent planters of the colony, who were instructed to build a fishing stage there to be used in the catching and curing of fish.†

More than twelve months previous to that date, the Rev. John White, a Puritan minister of Dorchester, England, with some merchants and other gentlemen of that town, organized a company for the purpose of establishing a colony on the New England coast, where men engaged in fishing, when not otherwise employed, might cultivate the soil or carry on a lucrative trade with the Indians. Cape Ann was selected as a favorable location for the new enterprise; and in the autumn of 1623 fourteen men, from a vessel about to return to England with a full cargo of fish and furs, were landed at or near the present city of Gloucester, and left there to build during the

* Falfrey's History of New England, vol. I., p. 285.

† Bradford's History of Plimoth Plantation, published by order of the General Court of Massachusetts, pp. 190, 208.

winter dwelling-houses, salt-works, and other structures required in the catching and curing of fish. In the spring of 1624 the same vessel arrived at Cape Ann with men and supplies sent out by the Dorchester Company for the encouragement and support of the feeble colony. In the fall of that year, however, Robert Cushman and Edward Winslow having obtained a grant of all the land in that neighborhood, the planters of Plymouth decided to build a fishing stage there. In 1625 the officers and crew of a vessel sent out by the Dorchester Company, "getting y^e starte of y^e ships that came to the plantation, they tooke away their stage, & other necessary provisions that they [the Plymouth people] had made for fishing at Cap Anne y^e year before, and would not restore y^e same, excepte they would fight for it. But y^e Gov^r sent some of y^e planters to help y^e fishermen to build a new one, and so let them keepe it."*

The Rev. William Hubbard, of Ipswich, in his *History of New England*, says that the Plymouth people built a fishing stage at Cape Ann in 1624; and when they went there in 1625, to cure fish, they found the stage occupied. Capt. Myles Standish demanded possession of the property but was met with a peremptory refusal.

The dispute grew to be very hot and high words were passed between them which might have ended in blows, if not in blood and slaughter, had not the prudence and moderation of Mr Roger Conant, at that time there present, and Mr Pierse's interposition, that lay just by with his ship, timely prevented. . . . A little chimney is soon fired; so was the Plymouth captain, a man of very little stature, yet of very hot and angry temper. The fire of his passion soon kindled and blown up into a flame by hot words, might easily have consumed all, had it not been seasonably quenched.†

Subsequently Roger Conant, who had been living at Plymouth, was employed as superintendent of the company at Cape Ann. He sent several cargoes of fish to England, but they were sold at prices barely sufficient to pay the wages of the seamen. He remained in charge of the enterprise for

* Bradford's *History of Plimoth Plantation*, published by order of the General Court of Massachusetts, p. 237.

† Massachusetts Historical Society Collections, Second Series, vol. v., p. 110.

nearly twelve months. At the close of the year 1626 the Dorchester Company decided to sell its ships, abandon the new settlement, and pay for the transportation to England of all who desired to return. Roger Conant and a few of his friends remained, and the following year removed to Naumkeag, the site of the present city of Salem.

March 19, 1627-8, the Council for New England granted Sir Henry Roswell, John Endicott, and others a tract of land extending from a line three miles north of the Merrimack river to a line three miles south of the Charles river, and east and west from the Atlantic to the Pacific Ocean. September 6, 1628, John Endicott with a small company landed at Naumkeag, where he found Roger Conant, and a few others who had come with him from Cape Ann, comfortably settled, and inclined to resist any attempts to interfere with their rights or privileges. There was much ill feeling, but the questions in dispute were satisfactorily adjusted; and in commemoration of the peaceful measures and methods adopted to bring about the reconciliation the place was called "Salem."

The following year a charter from the king confirmed the grant made to Sir Henry Roswell and his associates, and provided that they and their successors should be and remain a corporation under the name of "the Governor and Company of the Massachusetts Bay in New England." A portion of the land conveyed by this charter had previously been granted to Capt. John Mason, and now forms a part of the State of New Hampshire. A long controversy in regard to the boundary line, "three miles north of the Merrimac river," has only recently been settled by commissioners appointed by the chief executive officers of the two states mentioned.

The government of the colony in Massachusetts Bay was intrusted to the members of the corporation residing in England, but the question of transferring to the plantation in America the full and complete control of its affairs was carefully considered and discussed during the summer of 1629. Legal advice favorable thereto was obtained and August twenty-ninth of that year it was determined "by the general consent of the Company that the government and patent

should be settled in New England." June 12, 1630, John Winthrop arrived at Salem, bringing the charter with him. Before the close of the year, settlements were made at Charlestown, Dorchester, Boston, Watertown, Roxbury, Mystic (Medford), and Saugus (Lynn). The first court of assistants, afterwards called "the Great and General Court," was held at Charlestown August 23, 1630. At a meeting, held September seventh, it was ordered that no one should settle within the limits of the colony without having first obtained permission from the governor and assistants, and a warrant was issued to command those who had settled at Agawam, now Ipswich, to leave the place. In January, 1633, the court ordered "that a plantation should be begun at Agawam, being the best place in the land for tillage and cattle, lest an enemy, finding it void, should possess and take it from us."*

In the month of March following, John Winthrop, Jr., with Mr. George Carr, who was afterwards appointed to keep the ferry between Newbury and Salisbury, and ten or twelve others, commenced a settlement there. August 5, 1634, the General Court at New Town (Cambridge) "ordered that Agawam shalbe called Ipswich."

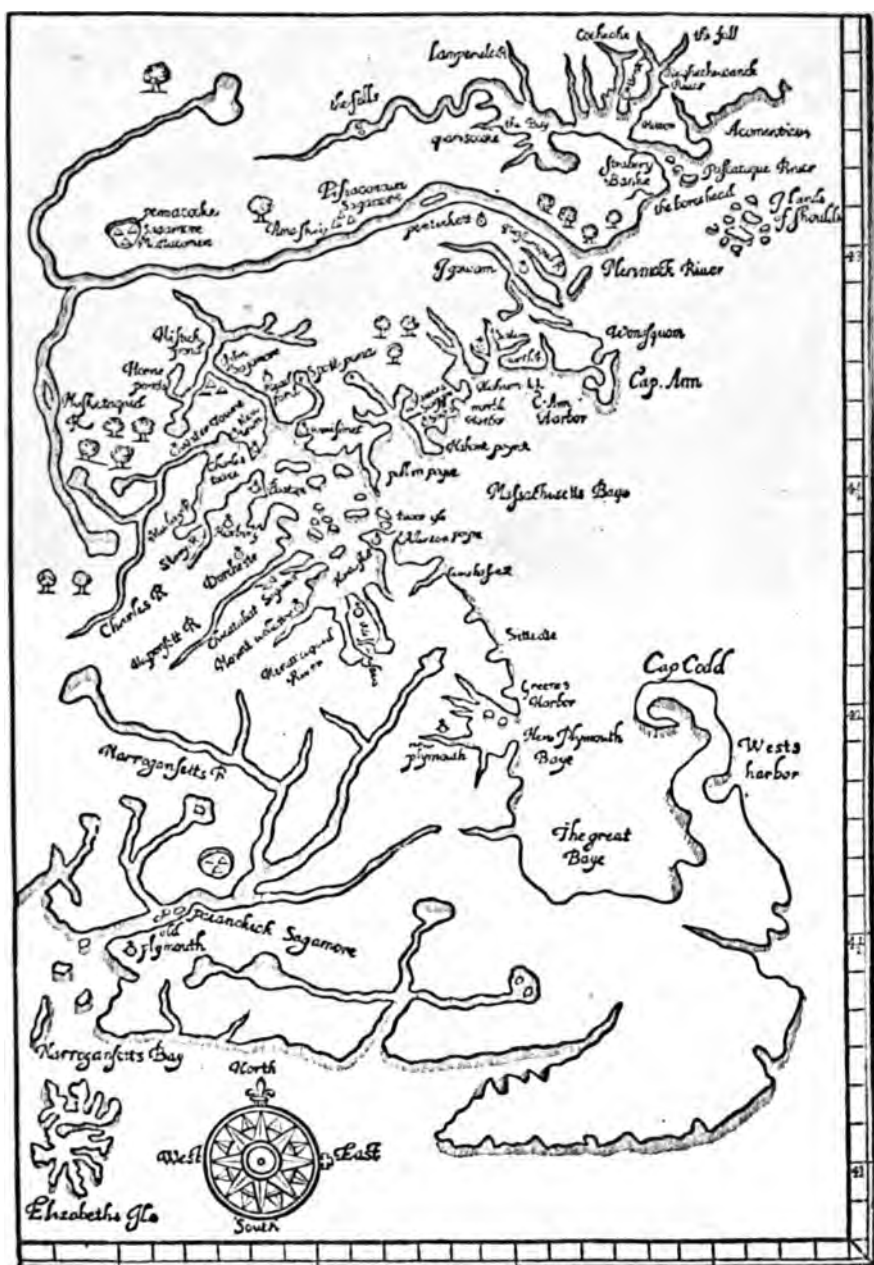
William Wood, author of "New England's Prospect," published in London in 1634, says:—

Agowamme is nine miles to the North from *Salem*, which is one of the most spacious places for a plantation being neare the sea, it aboundeth with fish, and flesh of fowles and beasts, great Meads and Marshes and plaine plowing grounds, many good rivers and harbours and no rattle snakes. In a word, it is the best place but one, which is *Merrimacke*, lying 8 miles beyond it, where is a river 20 leagues navigable: all along the river side is fresh Marshes, in some places 3 miles broad. In this river is Sturgeon, Sammon, and Basse, and divers other kinds of fish. To conclude, the Countrie hath not that which this place cannot yeeld. So that these two places may containe twice as many people as are yet in *New England*; there being as yet scarce any inhabitants in these two spacious places. Three miles beyond the river *Merrimacke* is the outside of our Patent for the *Massachusetts* Bay. These be all the Townes that were begun, when I came for *England*, which was the 15 of August 1633.†

* Winthrop's History, vol. I., pp. 98, 99; also, Coffin's History of Newbury, p. 20.

† "New England's Prospect," reprinted by the Prince Society of Boston, 1865, chap. xl., p. 49.

The South part of New-England, as it is Planted this yeare, 1634.



Although there was no settlement between Ipswich and the boundary line of the colony on the north, it is evident that the land afterwards laid out and incorporated as the town of Newbury was not, even at that early date, an unknown wilderness, while it is equally certain that the "Sammon and Basse" in Merrimack River were a source of revenue to the fishermen who came from many and distant places.

The sturgions be all over the Countrey, but the best catching of them be upon the shoales of *Cape Codde* and in the River of *Mirrimacke* where much is taken, pickled and brought for England, some of them be 12, 14, 18 foote long.*

The map of the coast from Narragansett Bay to "Acomenticus," published in the first edition of "New England's Prospect," and reproduced herewith, gives the location of Cape Ann, Boar's Head, and the "Iland of Shoulds," also the rivers "Quasacunqud," "Piscataque," "Merrimack," and an island, not named, at the mouth of the last-named river, now known as Plum Island. On the southerly bank of the Merrimack river, at or near the easterly end of a small island (evidently Deer Island), the Indian camping ground or fishing station "Pentucket" is located. Possibly, John Winthrop, Jr., may have established a trading house there after the adoption of the following order by the General Court:—

September (3) 1633 There is liberty granted to Mr. John Winthrop Junr, & to his assignes, to sett vpp a trucking howse vpp Merrimack Ryver.†

The map drawn by Capt. John Smith, and published in 1616, gives a fairly accurate outline of the New England coast from Mount Desert to Cape Cod, but does not give the location of the Merrimack, Piscataqua, Saco, and some other large rivers between those two points. Probably they were not seen by the bold and enterprising explorer as he sailed along the shore in a small boat, although he evidently ascended the Kennebec, and named it "The River Forth."‡

* "New England's Prospect," reprinted by the Prince Society of Boston, 1865, chap. ix., p. 37.

† Massachusetts Colony Records, vol. i., p. 108.

‡ See map in Narrative and Critical History of America, vol. iii., p. 198.

February 28, 1633-4, King Charles I., greatly disturbed by the report that a large number of his disaffected and discontented subjects were about to leave England for the purpose of securing civil and religious liberty beyond the sea, ordered the officers of the crown to detain ten ships, then in the river Thames, until the oath of allegiance to the king could be administered to all persons intending to embark for New England. The masters of the ships were placed under bonds to observe certain rules and regulations, and especially to see that the prayers of the Church of England were read daily on the voyage to the New World.

Matthew Cradock, the first governor of the Massachusetts Company, was summoned to appear before the king and the lords of the Privy Council, and ordered to bring the charter of the company with him. He replied that the charter was in New England. This was probably the first intimation the king had received that the powers and privileges granted the company in London had been transferred to the colony in Massachusetts Bay. Immediate steps were taken to secure a return of the charter, and the appointment of a governor-general to supervise and control the administration of public affairs in New England was strongly urged by the officers of the crown.

At a meeting held "at the Earl of Carlisle's Chamber at Whitehall," April 25, 1635, the Council for New England decided to relinquish all its rights and privileges under the charter granted November 3, 1620, upon condition that the territory, of which a large portion had already been conveyed to various individuals by its own corporate action, should be divided and distributed by lot among the members of the council.

June seventh, the "Great Charter" was surrendered to the king, and the distribution of the land was made in accordance with the terms and condition of the act providing for its repeal.

The council declared that it was compelled "because of many discouragements" to abandon the attempt to rule and govern New England, and attributed its ill success chiefly to

the interference of the charter of the Massachusetts Company, which, it alleged, had been "surreptitiously gotten" in derogation of the rights of Capt. Robert Gorges and others. A writ of *quo warranto* was issued in September, 1635, and served on the members of the company in England. All but Cradock pleaded "not guilty" to the charges brought against them; but, in the opinion of the court they had made use of powers and privileges not granted them in the charter, and were therefore prohibited from intermeddling with its affairs. Cradock was defaulted, convicted of usurpation, and the rights and liberties of the franchise were revoked and restored to the king.

While these proceedings were pending in the Privy Council and law courts of England, the town of Newbury was incorporated by "the Great and General Court of Massachusetts," and the settlement at Parker river began.

CHAPTER II.

THE SETTLEMENT AT PARKER RIVER, 1635-1645.

Among the vessels detained in the river Thames by order of the king's Privy Council, February 14, 1633-4, was the ship "Mary and John," Robert Sayres, master.

On the twenty-fourth and twenty-sixth of March following,

William Moudey	Henry Travers
Thomas Sweete	John Woodbridge
Thomas Savery	Christopher Osgood
Phillip Fowler	John Bartlett
Robert Coker	William Savery
John Godfrey	George Browne
Nicholas Noyce	Richard Browne
Richard Littlehall	William White
John Whelyer	William Clarke
Robert Newman	Stephen Jurden
Nicholas Easton	Richard Kent
Abraham Mussey	William Ballard
Matthew Gillett	William Franklin
John Mussey	Thomas Cole
Thomas Parker	James Noyce
John Spencer	William Spencer
Henry Shorte	Richard Kent, Jun
John Newman	Henry Lunt v
Thomas Newman	John Anthony

whose names are found among the early settlers of Newbury, and others, took the oath of supremacy and allegiance to the king, and were allowed to sail in the ship for New England.*

They arrived at Boston in the month of May, 1634, and the Rev. Thomas Parker, with most of the persons named in the above list, with their families, to the number of about one

* New England Genealogical and Historical Register, July, 1855, p. 265.

hundred removed to Agawam (Ipswich), where they remained during the following winter.

At the General Court held at Boston, May 14, 1634, deputies or representatives from eight towns in the colony participated in its proceedings. Previous to that date the laws were made and executed by the governor and his assistants without consultation or conference with the freemen; but some controversy having arisen in regard to the abrogation of an order for the "killing of swine, etc.," Governor Winthrop consented to the election of a certain number of deputies annually from each town to aid and assist in the enactment of laws and the administration of justice.

Ipswich was not represented at the General Court held May 14, 1634; but at the session held at Newe Town (Cambridge), March 4, 1634-5, three persons claimed election as deputies from that town. Only one, however, was admitted to membership.

Vpon a certificatt of 5 comissioners, chosen by the Court to consider of the elecon of the deputyes of Ipswich it did appeare to the Court that two of them viz: Mr Easton & Henry Shorte were vnduely chosen, whoe were forthwith dismissed: soe Mr John Spencer onely stands legally elected in the opinion of the Court.*

The territory lying between Ipswich and the Merrimack river was well situated, and covered an area of more than thirty thousand acres of upland and marshland. In the summer of 1634 it had been carefully examined by an agent sent over by "divers gentlemen of Scotland," who "wrote to know whether they might be freely suffered to exercise their presbyterial government amongst us; and it was answered affirmatively that they might."†

In May of that year the Rev. Thomas Parker and his company arrived in Boston; and, in the month of June following, fourteen ships arrived there, bringing passengers and letterä.

* Massachusetts Colony Records, vol. I., p. 135. The persons named in the above certificate were among the first settlers of Newbury.

† Chronicles of the Pilgrim Fathers, p. 403.

We received letters from a godly preacher, Mr Levinston, a Scotchman in the north of Ireland, whereby he signified that there were many good Christians in those parts resolved to come hither, if they might receive satisfaction concerning some questions and propositions which they sent over.*

September 25, 1634, the General Court ordered "that the Scottishe & Irishe gentlemen w^{ch} intends to come hither shall haue liberty to sitt doune in any place vpp Merrimacke Ryver, not ppossessed by any." †

The company embarked for New England, "but, meeting with manifold crosses," abandoned the enterprise and returned home. Before the failure of the expedition was known, however, the town of Ipswich, in the exercise of its authority over the unoccupied territory still under its control, made the following conditional grant:—

December 29th 1634 Itt is consented unto that John Pirkins, junior, shall build a ware [fish trap] upon the river of Quasycung [now river Parker] and enjoy the profits of itt, but in case a plantation shall there settle then he is to submitt himself unto such conditions, as shall by them be imposed.‡

The Rev. Thomas Parker and his friends from Wiltshire, England, remained in Ipswich until the following spring, when they applied to the General Court for liberty to settle on the Quascacunquen river.

Some of the chief of Ipswich desired leave to remove to Quascacunquen, to begin a plantation there which was granted them, and it was named Newberry.§

May 6, 1635, the following orders were passed by the General Court:—

Wessacucon is allowed by the Court to be a plantacōn & it is referd to Mr Humfry, Mr Endicott, Capt Turner and Capt Traske or any three of them, to sett out the bounds of Ipswich & Wessacucon, or soe much thereof as they can & the name of the said plantacōn is changed & hereafter to be called Neweberry.

* Winthrop's History (edition 1853), vol. I., p. 160.

† Massachusetts Colony Record, vol. I., p. 129.

‡ See records of the town meeting held in Ipswich, December 29, 1634.

§ Winthrop's History (edition, 1853), vol. I., p. 191.

Farther, it is ordered, that it shal be in the power of the Court to take order that the said plantacōn shall receive a sufficient company of people to make a competent towne.*

It is referd to Mr Humfry, Mr Endicott, Capt Turner & Capt Traske to sett out a fferme for Mr Dumer, aboute the falls of Neweberry, not exceeding the quantity of 500 acres, pvided also it be not piuditia1l to Neweberry. †

The territory laid out and incorporated as the town of Newbury was included in the grant made to Capt. John Mason, March 9, 1621-2, by the Council for New England; and this territory was again assigned to him February 3, 1634-5, just previous to the dissolution of the company and the surrender of its charter to the king. April 22, 1635, the grant was confirmed by the company; and two deeds, of nearly the same tenor, were executed, conveying to Capt. John Mason and his heirs all that portion of the main land of New England "beginning from the Middle part Nahumkege River & from thence to proceed Eastward along the sea Coast to Cape Ann & round about the same to Pischataqua harbour," etc. These conveyances were subsequently recorded in the Registry of Deeds, York County, Maine, book II., pp. 14-17.‡

Governor Winthrop, and the men associated with him in the administration of public affairs, were evidently anxious to extend the settlement of the colony to its extreme northern limit, in order that they might hold the disputed territory against all claimants under the Mason grant. Vigorous measures were taken to accomplish this result. Most of the passengers who came to New England in the ship "Mary and John" were induced to remove to Newbury early in the year 1635. Tradition asserts that they came by water from Ipswich, and landed on the north shore of the Quascacunquen

*Massachusetts Colony Records, vol. I., p. 146. The Indian name "Wessacucon" was sometimes spelled "Wessacumcon." In Winthrop's History of New England, quoted on page 30, it was written "Quascacunquen." In the town records of Ipswich it was "Quasycung," as stated on the preceding page. On the map published in "New England's Prospect," by William Wood, in 1634, "Quascunqued River" is the name given to what is now known as Parker river.

†Massachusetts Colony Records, vol. I., p. 146.

‡Certified copies of these conveyances may be found in the Prince Society Publications, "Captain John Mason," pp. 209-215.

(now Parker) river, about two or three hundred rods below the bridge that connects the "Lower Green" with the "Great Neck" and the town of Rowley. They were soon joined by Henry Sewall, Richard and Stephen Dummer, and others, who were interested in stock-raising and actively engaged in the importation of sheep and cattle.

June 3, 1635, two Dutch ships, loaded with horses, heifers, and sheep, arrived at Boston; and the same day the ship "James," three hundred tons burthen, arrived at the same place with cattle and passengers.* The last-named vessel sailed from Southampton, England, about the fifth of April, 1635, and is said to have delivered her cargo in good order and condition. Among her passengers were

Thomas Browne	of Malford,	weaver.
Hercules Woodman	" "	mercier.
Thomas Colman	" Marlborough	husbandman.
Anthony Morse	" "	shoemaker.
William Morse	" "	"
Nicholas Batt	" Devyes	linen weaver.
John Knight	" Romsey	taylor.
Richard Knight	" "	"
Nicholas Holt	" "	tanner.
John Emery	" "	carpenter.
Anthony Emery	" "	"
John Pike	" Langford	laborer.
John Musselwhite	" "	"

† Anthony Thetcher " Sarin (Salisbury) taylor.

Most of the persons named in the above list came to Newbury soon after their arrival at Boston; and, July 8, 1635,

* Winthrop's History (edition, 1853), vol. i., pp. 191, 192.

† New England Genealogical and Historical Register, October, 1860, p. 333. In a foot-note on page 196, vol. i. of Winthrop's History, Anthony Thacher and Mr. Avery are said to have come to New England in the ship "James"; but in the list printed in the Genealogical Register and quoted above, Mr. Avery's name does not appear. It is also stated that his baptismal name was John; and in Book III., Part Second, Chap. ii., of Mather's "Magnalia," there is an account of "the death of Mr. John Avery." This is evidently an error. In the records of the General Court, vol. i., p. 154, under date of September 1, 1635, he is called Mr. Joseph Avery, and Mr. Anthony Thacher is appointed administrator of his estate. In the inventory of personal property signed by Mr. Thacher, a few weeks later, "Joseph" is given as the baptismal name; and "Richard Knight, Nicholas Holt & John Knight, all three of Newbury," are mentioned as witnesses to a debt said to be due the estate from John Emery.

Young's Chronicles of Massachusetts, chap. xxiii., p. 435, and Increase Mather's "Remarkable Providences," chap. i., give the details of the terrible shipwreck at Cape Ann, August 14, 1635.

the General Court ordered "that there shall be a convenient quantity of land sett out by Mr Dumer and M^r Bartholemewe, within the bounds of Newbury, for the keeping of the sheepe and cattell that came over in the Dutch shippes this yeare, and to belong to the owners of said cattell." *

This joint stock-raising enterprise met with many discouragements, and after a few months' trial was reluctantly abandoned. November 3, 1635, the General Court passed the following order:—

Whereas Thomas Coleman hath contracted with S^r Richard Saltonstall & dyvers other gentleṃ in England & here for the keepinge of certaine horses, bulls & sheepe in a gen'all stocke, for the space of three yeares, & nowe, since his comeing hither, hath bene exceeding negligent in discharging the trust comitted to him, absenting himselfe for a longe tyme, from the said cattell, as also neglecting to provide howseing for them, by reason whereof many of said cattell are dead already, & more damage like dayly to accrue to the said gentleṃ, it is therefore ordered, that it shal be lawfull for the said gentleṃ to devide the oates & hay provided for the said cattell amongst themselves & soe euery one to take care of their owne cattell for the winter.†

At this time the colony of Massachusetts Bay was greatly disturbed by the mutilation or defacement of the national ensign by the order of Capt. John Endicott. The Court of Assistants met at the house of Thomas Dudley, governor, No-

which resulted in the loss of Mr. Avery, his wife, six children, and all who were on board the vessel, except Mr. Thacher and his wife.

Mr. Avery was a minister, and cousin to Anthony Thacher, who was a tailor from Salisbury, England. They came to Newbury soon after the incorporation of the town; but, being strongly urged to go to Marblehead, they embarked with their families at Ipswich in a small pinnace, and during a terrific storm were dashed upon the rocks, and the crew, with all the passengers except two, were drowned. The place where this catastrophe occurred was called "Thacher's Woe" (now Thacher's Island) and "Avery his Fall" (now Avery's Rock). The "Swan Song of Parson Avery," by John G. Whittier, describing the shipwreck and the storm, closes with these lines:—

"There was wailing on the mainland, from the rocks of Marblehead;
In the stricken church of Newbury the notes of prayer were read;
And lo! by board and hearthstone, the living mourned the dead.

"And still the fishers outbound, or scudding from the squall,
With grave and reverent faces, the ancient tale recall,
When they see the white waves breaking on the Rock of Avery's Fall."

"March 9, 1636-7 M^r Anthony Thacher had granted him the small island at the head of Cape Ann (upon which he was preserved from shipwreck) as his pp inheritance." *Massachusetts Colony Records*, vol. I., p. 191.

* *Massachusetts Colony Records*, vol. I., p. 149.

† *Ibid.*, p. 155.

vember 27, 1634, "to advise about the defacing of the cross in the ensign at Salem."

The magistrates agreed to write to Mr. Downing in England, expressing their disapprobation of the act and their purpose to punish the offenders, "with as much wariness as we might, being doubtful of the lawful use of the cross in an ensign." *

January 19, 1634-5, all the ministers except Mr Ward of Ipswich, met at Boston, being requested by the governour and assistants, to consider of these two cases: 1. What we ought to do if a general governour should be sent out of England? 2. Whether it be lawful for us to carry the cross in our banners? In the first case, they all agreed, that, if a general governour were sent, we ought not to accept him, but defend our lawful possessions, (if we were able); otherwise to avoid or protract. For the matter of the cross, they were divided, and so deferred it to another meeting.†

At a meeting of the General Court held at New Towne (Cambridge), March 4, 1634-5,

Mr Endicott was called to answer for defacing the cross in the ensign; but because the court could not agree about the thing, whether the ensigns should be laid by, in regard that many refuse to follow them, the whole cause was deferred till the next general court; and the commissioners for military affairs gave order, in the meantime, that all the ensigns should be laid aside.‡

At the General Court held May 6, 1635, the town of Newbury was incorporated; and the same day a committee was appointed "to consider the act of Mr Endicott, in defacing the col's & to reporte to the Court howe farre they judge it sensurable."§

Mr. John Spencer, a deputy from Ipswich, who was one of the first settlers of Newbury, served on this committee, which was composed of one member from each town, nine in all, and four additional elected by the Court of Assistants. This committee reported, after a few hours' deliberation, that a great offence had been committed, that it was done with-

* Winthrop's History (edition 1853), vol. i., p. 179.

† Winthrop's History, vol. i., p. 183.

‡ Ibid., vol. i., p. 186.

§ Massachusetts Colony Records, vol. i., p. 145.

out the advice or consent of the General Court, and that John Endicott should be admonished and disabled from holding public office for one year, "declining any heavier sentence because they were persuaded he did it out of tenderness of conscience, and not of any evil intent." *

The following year Thomas Milward, mate of the ship "Hector," then in Boston harbor, denounced the colonists as rebels and traitors because they did not display the king's colors at the fort on Castle Island. For this offence he was seized and brought before the General Court and committed for trial. But the next day, having signed the following certificate, he was released, and subsequently came to Newbury, where he lived for many years:—

Whereas I, Thom: Millard, have given out most false & repchfull speeches against his mäties loyall & faithfull subjects dwelling in the Massachusetts Bay, in America, saying that they were all traytors & rebels & that I would affirme so much before the Govenor himselfe, wch expressions I do confes (& so desire may bee conceived) did pceed from the rashnes & distemper of my owne braine, without any just ground or cause so to thinke or speake, for wch, my vnworthy & sinfull carriage being called in question, I do justly stand committed; my humble & [] request yrfore is yt vpon ys my free & ingenious recantation of ys my grosse failing it would please ye Govenor & ye rest of ye assistants to accept of this my humble submission, to passe by my fault & to dismisse me frō further trouble; & ys, my free & voluntary confession I subscribe with my hand ys 9th June 1636.

THOMAS MILLARD.†

Notwithstanding this acknowledgment of submission on the part of Thomas Milward, it is evident that the governor and his Court of Assistants were somewhat uneasy for fear their conduct might give offence to the king. Some captains in the harbor of Boston being consulted upon the subject,

They answered, that, in regard that they should be examined upon their return, what colors they saw here, they did desire that the king's colors might be spread at our fort. It was answered that we had not the king's colors. Thereupon two of them did offer them freely to us. We replied that for our part we were fully persuaded, that the cross in the ensign was idolatrous, and therefore might not set in our ensign;

* Winthrop's History, vol. I., p. 189.

† Massachusetts Colony Records, vol. I., p. 178.

but because the fort was the king's and maintained in his name, we thought that his own colors might be spread there. So the governour accepted the colors of Capt. Palmer, and promised they should be set up at Castle Island.*

During the summer of 1635, while the excitement caused by the defacing of the colors and the failure to re-elect Endicott, a member of the Court of Assistants, was at its height, the work of clearing and preparing the soil for cultivation was prosecuted with undisturbed vigor in the settlement at Parker river, Newbury. House lots, planting lots, and meadow lots were granted and laid out according to the rule established in London by the company organized for the encouragement of emigration and the development of the resources of the colony in Massachusetts Bay. A house lot of four acres, with the right of pasturage, was assigned to the poorest settlers; fifty acres were allotted to every person who paid for his own transportation to New England; two hundred acres to every one contributing fifty pounds to the common stock; and a larger or smaller number to other cash contributors in proportion to the amount invested by them. Dwelling-houses were erected, and a church organized (the tenth in the colony) "in the open air, under a tree" that stood on the north bank of the Parker river, at or near the Lower Green. The Rev. Thomas Parker was chosen pastor, and the Rev. James Noyes, teacher. Prudential men — afterward called "the seven men" and "the selectmen" — were elected to attend to the ordinary business affairs of the town. The population steadily increased in numbers and improved, slowly, in worldly condition. Only two months after the incorporation of the town it was called upon to assess and collect its proportion of a tax of two hundred pounds levied by the General Court, one-half of this tax to be paid at once, and the other half before the next meeting of the General Court.†

Richard Dummer was a member of the Court of Assistants from Roxbury, and John Spencer was a deputy from Ipswich, at the time this tax was levied, July 8, 1635. The same day

* Winthrop's History, vol. I., p. 224.

† Massachusetts Colony Records, vol. I., p. 149.



THE LOWER GREEN

the General Court granted liberty "to Mr Dumer & Mr Spencer to builde a myll & a weire att the falls of Neweberry, to enioy the said myll & weire, with such preuillidges of ground & tymber as is expressed in an agreem' betwixte them & the towne to enioy to them & their heires forouer." *

This mill was probably erected in 1636, although evidently not completed until two or three years later.† In 1637, Richard Dummer and John Spencer, with more than sixty other followers of Mrs. Anne Hutchinson and the Rev. John Wheelwright, were condemned and disarmed for holding erroneous religious opinions. Vexed and humiliated by this arbitrary act of the General Court, they decided to abandon their business enterprises in Newbury, and seek a more congenial dwelling-place elsewhere. They evidently sailed for England at the first convenient opportunity. Mr. Spencer died in London previous to 1648. Mr. Dummer apparently returned to Newbury in 1638, bringing his wife and family.‡ He probably found it advisable to pursue this course in order to avoid great pecuniary loss, and thereafter seems to have suppressed his own personal views and opinions on religious matters so far as possible, and submitted quietly to the laws and orders passed and approved by the General Court.

He made an agreement with Edward Woodman, Edward Rawson, John, Knight, and Richard Brown that was entered upon the records of the town of Newbury, August 6, 1638, which reads as follows:—

It is agreed with Mr Richard Dummer of Newbury by the psons whose names are hereunto subscribed that in case Mr Dummer doe make his

* Massachusetts Colony Records, vol. i., p. 149. † Winthrop's History, vol. i., p. 234.

‡ Among the passengers in the ship "Bevis," 150 tons, from Southampton for New England, May, 1638, were

" Richard Dumer of New England aged	40
Alice Dumer	" 35
Thomas Dumer	" 19
Joane Dumer	" 19
Jane Dumer	" 10
Stephen Dumer Husbandman (probably)	29
Dorothee Dumer	6
Richard Dumer	4
Thomas Dumer	27 "

— Massachusetts Historical Collections, Third Series, vol. x., p. 145.

mill fitt to grynd corne & doe so maintayne the same, as also doe keepe a man to attend the grynding of corne, then they for their p^ts will send thither all the corne that they shall have ground; & doe likewise pmise that all the rest of the Toune (if it lye in their power to p^cure the same) shall also bring their corne from tyme to tyme to be ground at the said mill; and it is further agreed that (the 'fore menc'oned condic'on being observed by Mr Dummer) there shall not any other mill be erected within the said Toune.

The exact location of the meeting-house, built probably during the summer of 1635, is somewhat uncertain. It was probably erected on the triangular lot of land now known as the Lower Green, or, possibly, a hundred rods farther north, at or near the burying-place mentioned in the grant to John Emery May 18, 1647.* At all events, the houses of the first settlers of Newbury were in that immediate vicinity; and the General Court ordered, September 6, 1635, that "noe dwelling howse shalbee builte above halfe a myle from the meeting howse in any newe planta^con, granted att this Court, or hereafter to be granted, without leaue from the court, (except myll howses & fferme howses of such as have their dwelling howses in some towne), Ipsw^{ch}, Hingham, Newberry & Waymothe to be included in this order." †

This law, though oppressive and annoying, was strictly enforced until May 13, 1640, when it was repealed.

The boundary line between Ipswich and Newbury was settled and agreed upon by special committees appointed for that purpose:—

Sept. 3, 1635. John Winthrop Sen^r & John Humfry, Esq. are intrated by the court to vewe the bounds of Ipsw^{ch} & Neweberry, & to informe the nexte court howe they may conveniently be bounded.‡

March 3, 1635-6. It is referd to John Humfry, Esq & Cap^t Turner to sett out the bounds betwixte Salem & Ipsw^{ch} & betwixte Ipsw^{ch} & Newberry, before midsummer, nexte, as also to vewe & informe the nexte Gen^lall Court if there may not be another towne conveniently settled betwixte them; & it is agreed, that the bounds of the said townes shall run sixe myles apeece into the country.§

* See "Ould Newbury," p. 24.

† Massachusetts Colony Records, vol. I., p. 157.

‡ Ibid., vol. I., p. 159.

§ Ibid., vol. I., p. 167.

The General Court also licensed Francis Plumer to keep an ordinary, and authorized "M^r Dumer to sweare a constable at Neweberry." * At the same session, September 3, 1635, the General Court "ordered, that the high wayes betwixte Ipsw^{ch} & Saugus & betwixte Ipsw^{ch} & Neweberry, shalbe mended by the inhabitants of the townes, where they are, before the next p'ticular court." †.

A tax was also levied, to be paid the treasurer of the colony before the next session of the court. The amount assessed upon

	£	s	d		£	s	d
Newbury was	7.	10.	00	Waymothe	4.	00.	00
Ipsw ^{ch}	14.	00.	00	Hingham	6.	00.	00
Salem	16.	06.	00	Meadford	9.	15.	00
Saugus	11.	00.	00	Boston ‡	25.	10.	00

March 3, 1635-6, the General Court "ordered, that there shalbe three hundred pounds levyed out of the seu'all plantations for public uses." §

Of this amount, Newbury was called upon to pay the sum of £11 5s.; Ipswich, £25; Boston, £37 10s.; etc. §

For the admistration of justice and the enforcement of the laws, civil and criminal courts were established in the colony; and March 3, 1635-6, the General Court "ordered that there shall be ffoure courts kept eu'y quarter: 1. att Ipsw^{ch} to which Neweberry shall belonge; 2. att Salem, to w^{ch} Saugus shall belonge; 3. att Newe Towne to w^{ch} Charlton, Concord, Meadford & Waterton shall belonge; 4th. att Boston to w^{ch} Rocksbury, Dorchest', Weymothe & Hingham shall belonge." ||

The governor, deputy governor, and members of the Court of Assistants were elected by the "freemen" of the colony, who were required by law to meet, annually, in the month of May at the General Court for that purpose. Those living in towns remote from Boston finding this law burdensome and oppressive, the court ordered March 3, 1635-6,

* Massachusetts Colony Records, vol. I., p. 159.

† Ibid., vol. I., p. 160.

‡ Ibid., vol. I., p. 158.

§ Ibid., vol. I., p. 164.

|| Ibid., vol. I., p. 169.

That the Genall Court, to be holden in May nexte, for the eleccōn of Magistrates &c shalbe holden att Boston, & that the townes of Ipswch, Neweberry, Salem, Saugus, Waymothe, & Hingham shall have libertie to stay soe many of their ffreemen att home, for the safty of their towne, as they judge needeful & that the saide ffreemen that are appoynted by the towne to stay att home shall have liberty for this court to send their voices by pxy.*

At the General Court held in Boston May 25, 1636, Sir Henry Vane was elected governor, and John Winthrop, deputy governor.

The ffreemen of Neweberry are fined vid a peece for chusing & sending to this court a deputy wch was noe ffreeman. †

"Mr Dudley, Mr Duñer, Mr Bradstreete, Mr Saltonstall & Mr Spencer" were appointed magistrates for the county courts for Ipswich and Newbury, and "Mr Duñer" was chosen treasurer of the colony "for this year nexte ensuing & till a newe be chosen." ‡

May 17, 1637, John Winthrop was elected governor, and Thomas Dudley, deputy governor. Among those who were made freemen at Newe Towne (Cambridge) that day, and took the oath established by order of the General Court, were:

Edmond Marshall	John Bartlet
Henry Seawall Junior	Robert Pike
Nicholas Holt	Thomas Coleman
Nicholas Noise	John Cheney
Archelaus Woodman	Thomas Parker
James Browne	

In the year 1635, the Election was held at Cambridge: so twas again May 17, 1637, upon the Plain in the open Aer. Govr Vane was there, and had the Mortification to see the excellent John Winthrop preferd before him, and chosen Governour (who had been Governour 1630-1-2-3). Indeed Mr Vane seemed to stand so hard for being chosen again, as to endeavor to confound and frustrat the whole business of the Election, rather than that he himself should fail of being chosen. There was a great struggle, he being the principal Magistrate, for managing the Election. My father has told me many a time that he and others went on foot from Newbury to Cambridge, fourty miles, on purpose to be made

* Massachusetts Colony Records, vol. I., p. 166.

† Ibid., vol. I., p. 174.

‡ Ibid., vol. I., p. 175.

free, and help to strengthen Gov^r Winthrop's Party. And I find his name in the Record accordingly.*

WINNACUNNET.

In order to hasten the settlement of the territory supposed to be within the jurisdiction of the colony of Massachusetts bay, the General Court ordered, March 3, 1635-6, "that there shalbe a plantacōn settled att Wenicunnett & that M^r Duñer & M^r John Spencer shall have power to presse men to builde a howse forthwth in some convenient place; & what money they lay out aboute it shalbe repaide them againe out of the treasury, or by those that come to inhabite there." †

"Winnacunnett" was afterwards called Hampton; ‡ and the house ordered by the General Court was probably erected not far from the boundary line that now divides the towns of Seabrook and Hampton Falls, N. H. It was evidently on the path or way leading from Newbury to Piscataqua (now Portsmouth), and for many years was known as the "Bound House," although it was undoubtedly intended as a mark of possession, rather than of limit, by the colony of Massachusetts bay.

At a later date, however, when the colony was urging its claim to a large portion of the territory now included in the state of Maine, Robert Carr, Samuel Mavericke, and George Cartwright, commissioners from King Charles II., replied, July 16, 1665, in answer to this claim:—

The fixing, nameing, and owning a Bound house 3 large miles north from Merrimack River about 12 yeares together, by the corporation of Massachusetts (after the fixing of which Bound house many other patents were granted by the Council of Plymouth & by the King,) must necessarily determine the limits of the said Corporation, and answer all the false and fraudulent expositions of their Charter. §

The disputed claim was finally settled by an act of Parliament creating the Province of New Hampshire, and restraining the colony of Massachusetts from exercising its authority over the towns of Portsmouth, Dover, Exeter, and Hampton.

* Samuel Sewall's Letter Book, vol. I., p. 295.

† Massachusetts Colony Records, vol. I., p. 167. ‡ September 4, 1639.

§ Provincial Papers of New Hampshire, vol. I., p. 249.

March 9, 1636-7, the Rev. John Wheelwright was adjudged "guilty of contempt and sedition" by the General Court; and, November 2, 1637, he was disfranchised and ordered to depart beyond the jurisdiction of the colony within fourteen days. The same day the inhabitants of Newbury received a conditional grant of Winnacunnet, and those who removed there within one year were to have "three years imunity," beginning March 1, 1637-8.* Mr. Wheelwright, after his banishment, "settled just beyond the Bound House," and subsequently bought of the Indians a tract of land thirty miles square, extending from three miles north of the Merrimack to the Piscataqua river, and including Winnacunnet.

Richard Dummer, John Spencer, and Nicholas Easton were supposed to sympathize with the Rev. John Wheelwright in his religious opinions; and, November 20, 1637, they were ordered to deliver up to the constable of Newbury their "guns, swords, pistols, powder, shot, and match." Soon after the promulgation of this order, Mr. Dummer and Mr. Spencer went to England; but Mr. Easton evidently remained in Newbury, although he had asked and obtained liberty to remove beyond the jurisdiction of the colony. March 12, 1637-8, the General Court, having information that he and others who had been disarmed intended only to withdraw themselves for a season, in order to avoid the censure of the court, ordered them to depart according to the license given them.

Mr. Easton had probably been employed as architect or superintendent of the workmen "pressed" by Mr. Dummer and Mr. Spencer to build the house at Winnacunnett, and was doubtless well acquainted with the agricultural resources and advantages of that locality.† When he found, by order of the General Court, that he must remove from Newbury, he decided to go to Winnacunnet and settle there. His plans, however, were frustrated by the adoption of a peremptory order, May 16, 1638, "that the magistrates of Ipswich shall have power to discharge M^r Eason & M^r Geoffry from build-

* Massachusetts Colony Records, vol. I., p. 205.

† Belknap's History of New Hampshire, vol. I., p. 38.

ing at Winnacunnet & if they will not take warning, to cleare the place of y^m." *

Whether the magistrates of Ipswich were obliged to use force in order to "cleare the place of ym" is unknown; but it is certain that Nicholas Easton was soon after in Rhode Island, where he resided until his death. He was governor of that state in the years 1672 and 1673.

Although the inhabitants of Newbury were granted in November, 1637, the privilege of removing to Winnacunnet, no effort was made on their part to obtain possession of that territory until the autumn of 1638, when a petition signed by a number of Newbury men was presented to the General Court for confirmation of the grant and for liberty to begin a settlement there. At the session held in Boston, September 6, 1638,

The Court grants that the petitioners Mr Steven Bachiler, Christo: Hussey, Mary Hussey, *vidua*, Thom: Crumwell, Samuel Skullard, John Osgood, John Crosse, Samu: Greenfield, John Molton, Tho: Molton, Willi: Eston, Willi: Palmer, Willi: Sergeant, Rich'd Swayne, Willi: Sanders, Robt Tucke, with diverse others shall have liberty to begin a plantation at Winnacunnet: & Mr Bradstreete, Mr Winthrope Junior & Mr Rawson, or some two of them, are to assist in setting out the place of the towne, & apportioning the severall quantity of land to each man, so as nothing shalbee done therein without allowance from them, or 2 of them.†

Some of the petitioners, with others whose names are unknown, availed themselves of the privileges granted by this order, and during the winter and spring removed thither in such numbers that the General Court acknowledged and declared, June 6, 1639,

Winnacunnet is allowed to bee a towne, & hath power to choose a cunstable & other officers, & make orders for the well ordering of their towne, & to send a deputy to the Court, & Christo: Hussey, Willi: Palmer & Rich'd Swaine to end all businesses vnder 20^{shs} for this yeare; the laying out of land to bee by those expressed in the former order.‡

Edward Rawson, one of the committee appointed to lay out the land at Winnacunnet, was a deputy to the General

* Massachusetts Colony Records, vol. 1., p. 231.

† Ibid., vol. 1., p. 236.

‡ Ibid., vol. 1., p. 250.

Court from Newbury. The Rev. Stephen Bachiler had been a minister at Saugus (Lynn) for several years; but, in consequence of some contention among the people there, he removed to Ipswich, then to Cape Cod, and then to Newbury, where he was living in 1638. His son-in-law, Christopher Hussey, probably came to Newbury twelve months earlier. After the incorporation of Winnacunnet Mr. Bachiler and Mr. Hussey disposed of their real estate in Newbury, and acknowledgment of the same was entered upon the records as follows:—

It was acknowledged by Mr Richard Duñer and William Wakefield* being authorized by Mr Stephen Bachelour and Christopher Hussey to have sold both theyr house Lotts and arable lands, meadows, marsh, orchard, fences, priviledges & commons and Whatsoever Rights they had to any Lands in the Towne of Newbury for and in consideration of six score pounds already paid. I say they did acknowledge to have full power to sell it unto Mr John Oliver of Newbury to remaine abide and continue to him and his heys forever June 5th 1639 as by a bill of sale doth appeer bearing the same date and subscribed by Mr Stephen Bachelour & William Wakefield.†

Witness EDWARD WOODMAN & RICHARD LOWLE.

The path from Newbury through the woods of Winnacunnet to the settlement on the Piscataqua river was the scene of a terrible crime. Soon after the "Bound House" was built in 1636, the General Court ordered the constable of Newbury, June 6, 1637, to arrest William Schooler and bring him to Ipswich court. William Schooler was a vintner from London.

He lived with another fellow at Merrimack, and there being a poor maid at Newbury, one Mary Sholy, who had desired a guide to go with her to her master, who dwelt at Pascataquack, he inquired her out, and agreed for fifteen shillings, to conduct her thither. But, two days after, he returned and, being asked why he returned so soon, he answered that he had carried her within two or three miles of the place and then she would go no farther. Being examined for this by the magistrates, at Ipswich, and no proof found against him he was let go.‡

* The first town clerk of Winnacunnet.

† Newbury Proprietors' Records, vol. I., p. 48.

‡ Winthrop's History, vol. I., p. 289.

Nearly six months after his release the body of Mary Sholy was found by an Indian in a thick swamp ten miles from the place where he said he had left her. He was again arrested, and arraigned on the charge of murder. He told many contradictory stories. "He said he went by Winicowett House, which he said stood on the contrary side of the way." He denounced his accusers, and solemnly declared his innocence; but the "Quarter Courte," held at Boston on the nineteenth day of September, 1637, adjudged him guilty.* He was hung at Boston September 28, 1637. "Yet there were some ministers, and others, who thought the evidence not sufficient to take away his life."†

TOWN RECORDS AND TOWN OFFICERS.

The records of the town of Newbury previous to the year 1637 are exceedingly meagre and incomplete. Many leaves are missing from the first volume; and on the pages that remain votes and grants are recorded without order, and often without dates. The day of the week or month is sometimes given when figures used to designate the calendar year are wanting. A careful inspection of these entries is necessary in order to determine, even approximately, when the recorded events took place. After the election of Edward Rawson as town clerk in 1638, the records are fuller and more comprehensive, and dates are given with more regularity and exactness. For many years the books containing these valuable and important records were neglected and shamefully defaced, but recently they have been repaired and rebound under the direction of the selectmen of Newbury.

March 3, 1635-6, the management of local affairs in the various towns of the colony was intrusted to the freemen of the several towns by the General Court. They were authorized to dispose of land and wood belonging to the town; to make orders not repugnant to the laws and orders established by the General Court; to impose fines and penalties, not ex-

* Massachusetts Colony Records, vol. 1., p. 208.

† Winthrop's History, vol. 1., p. 290.

ceeding twenty shillings, for disobedience of those orders; and to choose constables, surveyors of highways, and other officers necessary for the supervision of town affairs.

John Woodbridge was undoubtedly the first town clerk of Newbury; but there is no record of his election, and his signature is not affixed to the votes and grants that are supposed to be in his handwriting. He was, however, legally elected to the office previous to November 30, 1636, and was superseded by Edward Rawson in 1638, as appears by the following votes:—

It is likewise agreed that the order made the 30th of the 9th mo 1636 that John Woodbridge should bee freed from all rates and payments while he is the towne Register, is now by his owne free consent repealed, the annuall stipend of 5^l remaining still according to former order.*

Nov. 19, 1638. It was ordered that Edward Rawson shall supply the place of Mr Woodbridge & be the publicke Notary and Register for the towne of Newbury & whilst he so remains to be allowed by the towne after the rate of 5^l per annum for his paynes.*

In order to avoid calling the freemen together on unimportant occasions, "seven men" were chosen or selected to attend to the ordinary business affairs of the town. These "seven men," or selectmen, as they are now called, were elected quarterly, and were required to render an account of their service to the freemen of the town once in three months. "On the 8th day of the 8th month" [1637?] the seven men previously elected to manage the affairs of the town made a report which was accepted and approved.

It was likewise desired by the generall consent that the same persons, to witt, Edward Woodman, Jo. Woodbridge, Henry Short, Christopher Hussey, Richard Kent, Richard Browne, & Richard Knight, who were chosen by papers to perform the same service for one quarter longer & to labor in the case according to what ye Lord shall direct, to do according to what is prescribed.*

"The 5th of the 11th mo" [1637?] the whole body of freemen met, and examined the accounts of the seven men "from the 8th of the 8th mo," and approved the same.

* Town of Newbury Records, vol. I.

Edward Woodman, Jo: Woodbridge, Hen: Short, Rich. Kent, Rich. Browne, William Moody & Jo: Pike, Jun. were chosen by papers & desired to manage the towne affairs for one whole quarter & till new be chosen, & to do their endeavors according to what is prescribed.*

April 6, 1638. The towne being mett together did freely consent to the acts made & registered the last quarter & the seven men were discharged.*

On the same day, Mr Rawson, Mr Woodman, Jo: Woodbridge, Henry Short, Jo: Knight, Rich. Knight & Rich. Browne were chosen & deputed by the towne, for one whole quarter, & till new be chosen.*

July 6, 1638. It is ordered for the present that there shall bee but five men deputed to the publick manageing of the towne busynesses for this quarter next ensuing.

Mr Woodman, Mr Rawson, Abrah: Toppin, Rich: Browne, & John Knight were chosen for one whole quarter & till new bee chosen.*

Subsequently, however, six and sometimes eight men were elected to manage the business affairs of the town; but at a still later date the number was reduced to three, and the term of service lengthened from three months "to one whole yeere."

The earliest records relating to constables, surveyors of highways, and lot layers are as follows:—

April 19, 1638. John Knight & James Browne were chosen constables for one whole yeere & till new bee chosen & Rich. Browne the last constable is discharged.*

It was likewise ordered that the constables for the time being shall have halfe their rates abated, in consideration of their paines.*

John Baker & Nicholas Holt were chosen surveyors of the highways for one whole yeere & till new bee chosen & Henry Shorte is discharged.*

April 21, 1638. It is ordered that all land all ready granted shall be laid out about the midst of the next mo, May, beginning the 16th day of the say'd mo & so continuing till it be done. And that all the seven men shall goe along with the lotters for advice.*

July 23, 1638. Henry Short & Rich. Kent were released from being lott layers.*

* Town of Newbury Records, vol. I.

The towne hath appoynted Rich. Knight & Thomas Coleman to be lott layers in their roomes to lay out lands & to attend upon the same for any man that hath a lawful grant of land, upon 3 days warning.*

Dec. 22, 1645. Thomas Coleman having taken a farme so that he cannot attend to lay out lotts, John Pemberton was appointed lott layer in his roomes and to joyne with Richard Knight and to have four pence per acre and what they are not paid for the towne is to see them satisfied for, the legall means being first used to obtayne it.*

ADMISSION OF INHABITANTS.

In October [1637?], Richard Singleterry, William Palmer, John Moulton, William Easton, Thomas Moulton, Nicholas Busbee, and Abraham Toppan were received as inhabitants of the town of Newbury.

Abraham Toppan being licensed by John Endicott, esqr. to live in this jurisdiction was received into the towne of Newberry as an inhabitant thereof and hath heere promised under his hand to be subject to any lawful order, that shall be made by the towne.*

ABRAHAM TOPPAN.

It was ordered in a lawfull meeting November the 5th [1637] that who soeuer is admitted into the towne of Newberry as an inhabitant thereof shall have the consent & approbation of the body of the freemen of the sayd towne.*

A written obligation, similar to the one printed above was signed by each person receiving the approbation of the free-men, and entered upon the records of the town.

TOWN MEETINGS.

For several years after the incorporation of the town the freeholders and inhabitants were accustomed to assemble as often as once in three months for the transaction of public business, and every person entitled to vote was expected to be present at the time and place appointed.

February 24, 1637-8. It was voted that Thomas Cromwell, Samuel Scullard, John Pike, Robert Pike and Nicholas Holt, are fined two shillings and sixpence apiece for being absent from towne meeting at eight o'clock in the morning, having due and fitt warning.*

* Town of Newbury Records, vol. I.

April 21, 1638. Henry Short, John Cheney, Francis Plumer, Nicholas Noyes and Nicholas Holt are fined two shillings and sixpence apiece for being absent from the towne meeting, having lawful warning.*

Francis Plumer & Jo: Cheney having sufficient excuse for their absence had their fines remitted.*

Rules were adopted, providing for the prompt and orderly transaction of business; and those who neglected or violated these rules were liable to a fine. Every freeholder speaking in town meeting was required to stand up, take off his hat, address the moderator in respectful language, and resume his seat again at the close of his speech. No one, unless excused by special vote, could leave the meeting until the business for which it was called together was completed and the meeting adjourned.

May 5, 1638. It is ordered that John Pike shall pay two shillings and sixpence for departing from the meeting without leave and contemptuously.*

Notwithstanding the fines and penalties imposed, there seems to have been considerable confusion at several subsequent meetings, which led to the adoption of the following order, July 6, 1638:—

Whereas there hath bin notice taken of much disorder in publick towne meeting by reason of divers speaking at one and the same time, some walking up and downe, some absent, and divers other miscarriages, it is henceforth ordered that if any person shall offend against any order prescribed in this case there shall be exact notice of such offence in this respect, and hee shall be censured accordingly.*

April 27, 1648. At a general meeting of the freemen of the towne it was ordered that from henceforth from yeare to yeare the meeting for the choyse of towne officers shall be upon the first Monday in March upon publick warneing.*

MEETINGS OF THE SELECTMEN.

For the consideration and settlement of questions arising from the levying of taxes, the granting of house lots, the

* Town of Newbury Records, vol. I.

building of fences, and the appointment of keepers of sheep and cattle, frequent meetings were held by the "seven men," and the votes passed or decisions agreed upon were entered upon the records and approved in the margin by a majority of those who were present, the minority, in matters of importance, recording their dissent. Uncertainty in regard to the time when and place where these meetings were to be held occasioned considerable inconvenience, and led to the adoption of the following order, December 21 [1637?], approved by "Edward Woodman, Jo: Woodbridge, Hen: Short, Richard Kent, Richard Browne, and Richard Knight":—

For the better ordering of all towne affaires it is thought that certain times & places of meeting should be appoynted which may be publickly knowne to the end that not only those to whom the charge of towne affairs is committed may make their constant & careful attendance but likewise that any other that hath any occasion of business with the towne may know where & when to make their desires knowne. And for the present it is agreed that there shall be a constant meeting kept (till further order be taken) every second Thursday at Henry Short's house, beginning at 8 of the clock in the morning & so to be continued as the times & seasons shall require. And for the more orderly & considerate proceeding it was likewise ordered that what things are proposed any one meeting day shall not ordinarily be answered till the next meeting unless in cases of some moment or in cases that require speedy answer.*

TAXES.

The appropriation of money, and the assessment of taxes, frequently led to prolonged controversies relating to questions of law and equity. In order to secure an impartial and just distribution of the burdens of taxation, the inhabitants of Newbury voted in the month of October, 1637, "That from henceforth when there is any towne rate or country rate to be made that all the men that are deputed by the towne to manage all other publick affairs of the towne shall have a hand in it." *

On the twentieth day of November following, the General Court passed the following order:—

* Town of Newbury Records, vol. 1.

Whereas it appeareth vnto this Court that the inhabitants of the towne of Neweberry are indebted to diuerse p̄sons neare the sume of 60*£*, wch hath bene expended vpon publike & needfull occations for the benefit of all such as do or shall inhabite there, as building of houses for their ministr̄, and whereas such as are of the church there, are not able to beare the whole charge, & the rest of the inhabitants there do or may enjoy equall benefit thereof wth them, yet they do refuse, against all right & justice, to contribute wth them, it is therefore ordered, that the freemen of the said towne, or such of them as vpon publicke notice shall assemble for that end, or the greater number of them, shall raise the said sume of 60*£*, by an equall & p̄portionable rate of every inhabitant there, haueing respect both to lands & other personall estate, as well of such as are absent as of those that are dwelling there rsent & for default of payment shall haue powr to levy the same by distres & sale thereof by such person as they shall appoint; & the same, being so collected, shall satisfy their said debts & if any remainder bee, the same to bee implied vpon other occations of the towne.*

At a meeting of the inhabitants of the town of Newbury, held April 21, 1638, it was ordered

That every man within the towne shall, vpon warning given or left at their houses, bring in the value of their estates to Jo: Knight, constable, on Tuesday next by eight o'clock in the morning on the penalty of 2*s* 6*d* apeice for default herein, to the intent that those who make the rate may haue cleare [] & ground in making the same.†

It is likewise ordered that all accounts betweene, & fines which are formerly not brought in by the constable and others shall be brought in to John Woodbridge & Richard Knight at Hen: Shorts house halfe an houre by sunn the second day of the next weeke on the several penalties formerly mentioned & imposed the 10th of the fifth month. ‡

May 13, 1640, the General Court levied a tax of £1,200 on all the towns in the colony: of this amount Newbury was called upon to pay £65. "And it was ordered; that in payment silver plate should passe at 5*s* the ounce; good ould Indian corne, growing heare, being clean & marchantable, at 5*s* the bushell; sumer wheate at 7*s* the bushell; rye at 6*sh* the bushell." † "Mr Rawson, Mr Woodman & Goodm̄ Haule" were appointed a committee to appraise the cattle, horses,

* Massachusetts Colony Records, vol. 1., p. 216.

† Town of Newbury Records, vol. 1.

‡ Massachusetts Colony Records, vol. 1., p. 294.

hogs, and goats in Newbury, and were ordered "to valewe them under their worth rather than above their worth." *

FENCES AND PASTURES.

In order to protect the growing crops of hay and grain from the intrusion of horses and cattle

It was agreed [February 24, 1636/7] that all generall ffences about the house lotts shall be made by the last day of March on the penalty of 5^s for each default provided that every ones portion shall be layd out & bounded by stakes by men appoynted for this purpose in convenient time.†

It was likewise agreed that W^m Moody, James Browne, Nic. Holt, ffrancis Plummer, Na Noyse shall lay out all the generall fences in the towne that are to be made, as likewise tenn rod betweene man & man, for garden plotts, this to be done by the 5th of March on the penalty of 5^s apiece.†

Octob 16, 1637 Wee whose names are heere vnderwritten have taken account of the fines for defect of ffences of Richard Browne Jo: Knight & Jo: Pike and wee find it thus. That the men heere vnderwritten have promised vnder their hands to pay according as is sett downe for defect of fences when they shall be called on for it viz: †

Nic. Batt	0.10.0	Anth. Morse	0.10.0
ffran. Plumer	0.10.0	W ^m Morse	0. 5.0
Ja: Rawlins	0.10.0	Mr Hussey	0.10.0
Jo: Pike. Jun.	0. 5.0	Anth. Short	0. 5.0
Ja: Browne	0. 5.0	Hen Lunt	0. 5.0
Arch. Woodman	0. 5.0	Geor. Browne	0. 5.0
Rich Knight	0. 5.0	Rich. Browne	0. 5.0

February 23, 1641/2 By the Generall consent of all the ffreemen the stinting of the Co^mons was Referred to Henry Short, Mr [Edward] Woodman, Edward Rawson, Thomas Hale & Mr [John] Woodbridge according to their best judgments & discretions. †

On the twelfth day of March they made the following report:—

We whose names are heer under written being appoynted by the ffree men to proportion to every man his severall and particular right in all the

* Massachusetts Colony Records, vol. I., p. 294. † Town of Newbury Records, vol. I.

‡ Newbury Proprietors' Records, vol. I., p. 2.

Towns commons according to the full power and authority committed to us in the behalf do order & determine as followeth:

1 That the severall numbers of pastures heerafter expressed shall lye and be perpetually to the ^{sd} persons to whom they are allowed as theyre own propper & due right and that it shall not be in the liberty or power of the ffreemen to alter or take away any mans right in the commons according to the stint heer under because it is his propriety & Inheritance.

2 That no person or persons whatsoever not expressed in there stint hath or shall have any propriety in the Commons in p^{re}sent or hereafter but what he shall gett by purchase or some other way legally obtaine.

3 That all the commons within the limets of the Towne shall be equally divided vnto three severall parts and that the same number of cattell that are allowed in the stint of the cows & oxen shall be allowed in the heifer comon & a third like quantity of young cattell in the comon above Mr Rawson farme.*

THE STINT OF THE OX & COW COMON.

Mr Richard Dumer	62 $\frac{1}{4}$	Joseph Carter	4
Mr Sewall Sen ^r	34 $\frac{1}{4}$	Nicholas Holt	7 $\frac{1}{4}$
Mr Clark	25 $\frac{1}{4}$	Mr Edward Rawson	23
Mr Cutting	16	Mr John Woodbridge	26 $\frac{1}{4}$
Nicholas Noyes	4	Mr John Spencer	42 $\frac{1}{2}$
Richard Badger	2 $\frac{1}{2}$	Richard Browne	6
Richard Kent Jun	12	Stephen Dumer	21 $\frac{1}{2}$
Stephen Kent	10 $\frac{3}{4}$	John Pike Jun	4 $\frac{1}{4}$
John Merrill	4	Thomas Smith	2 $\frac{3}{4}$
John Kelly	1	Richard Bartlet	1
John Poore	1 $\frac{1}{4}$	John Bartlet	1
John Fry	1	William Titcomb	1 $\frac{1}{4}$
Abel Huse	2 $\frac{1}{2}$	Nicholas Batt	1 $\frac{1}{2}$
Daniel Thirston	1 $\frac{1}{2}$	Robert Coker	2 $\frac{1}{4}$
the ffery lot	1	William White	1
John Goff	2	Henry Palmer	1 $\frac{1}{4}$
Thomas Browne	2 $\frac{1}{4}$	William Palmier	1 $\frac{1}{2}$
Gyles Abott	1	francis Plumer	5
William Ilsey	1 $\frac{1}{2}$	Abraham Toppan	4 $\frac{1}{4}$
Anthony Somerby	1 $\frac{1}{4}$	Thomas Davis	1
Richard Fitts	1	Thomas Coleman	1 $\frac{1}{2}$
Richard Littlehale	1	George Browne	1
Archelaus Woodman	2 $\frac{1}{4}$	Jno Pike Sen	8
Edward Woodman	8 $\frac{1}{4}$	Widdow Stevens	2 $\frac{1}{4}$

* Town of Newbury Proprietors' Records, vol. 1., p. 2.

Henry Lunt	1½	William Frankling	1
James Browne	11	Lewis & Mattox	1½
Percivall Lowle	6	Mr Miller	
Nathaniel Wier	1½	John Swett	
John Knight	7	The Towne House	1 0
Joseph Peasley	2½	Giles Badger	2
Anthony Morse	2	Edmund Greenleaf	4½
William Morse	1½	Thomas Blumfield	1½
Henry Rolfe	8½	Mr Oliver	11
Samuel Guile	1	John Lowle	6½
Walter Allen	1	Anthony Short	6½
Thomas Silver	1	John Hutchins	1
Thomas Cromwell	6½	John Cheney	2½
Samuel Scullard	7½	John Stephens	3½
Richard Kent Sen	3½	Richard Knight	5½
John Emery	2½	Henry Short	14½
Henry Travers	1	Thomas Hale	11½
Thomas Dow	1	Mr James Noyes	14½
William Barr	1	Mr Thomas Parker	13½
John Osgood	4	John Pemberton	1½
William Moody	6½	to lye at the Towns appoynt-	
Nathanle Badger	1½	mnt for them that be	
John Bond	1	schoolmasters successively	3

JOHN WOODBRIDGE
THOMAS HALE
HENRY SHORT

Memorandum that March 12, 1641 the orders above written and the proportion of pasturing allowed to every one as is above expressed were publicly & distinctly read to the General Body of the freemen who generally by their vote did confirm the same and further with the consent of sd persons deputed did order as followeth: —

1 That whosoever shall at any time transgress this order by putting any of his cattell in any or either of those comons more than is here mentioned as due to him or that he shall make sufficiently evident to have lawfully purchased or otherwise legally obtained from any which hath due right according as is expressed shall forfeit twenty shillings for every Beast that by the Hay ward of the Towne shall be found going in any of those comons and by him — to be levied on the goods of every such offender by the Constable for the use of the Towne.

2 The execution of this stint is stayed till the major part of the freemen shall see cause to put it in use.

3 That no man shall under any pretense or colour whatsoever receive any cattell into the Towne or keep any mans in the Towne that

hath no right in the comon, to stock the comon so much as that the Towne should be forced to make use of the stint provided this relate not to cattell which any one shall Buy or Hyre out of the Towne for his owne necessary use & imployment.

A large tract of land was also set apart for the pasturage of sheep. Keepers were appointed to look after the cattle and sheep, and enforce the rule made and adopted for the "stinting of the commons."

Nicholas Batt, who came to New England in the ship "James" from Southampton in April, 1635, was keeper of the herd of cows from March 16 to November 16, 1638, at a salary of £18, "to be paid partly in money and partly in corn at 4^s 6^d per bushel provided he is to keepe them but one Lord's day & the towne two," * and William Morse, who was also a passenger in the same ship, was keeper of the herd of sheep and goats.

LAWS AND ORDINANCES.

March 12, 1637-8, the General Court ordered the freemen of every town to make a list of laws necessary for the protection of life and property in the colony of Massachusetts Bay, and send a copy of the same to the governor and council, to be presented to the General Court for approval or rejection, "as the Court shall adjudge." †

April 6, 1638 Mr Rawson & Jo: Woodbridge were deputed by the towne to labour to compile a body of laws & present them to the towne that they may be presented to the Govern^{mt} according to order of Court. ‡

The General Court also provided, March 3, 1635-6, that any person building a house, without permission, in any town in the colony, "the inhabitants of the said towne shall have power to demolishe the said howses & remove the p'sons." * The following order, adopted and approved August 6, 1638, by Edward Woodman, Edward Rawson, John Knight, and Richard Brown, in their official capacity as executive officers

† Town of Newbury Records, vol. I. ~

‡ Massachusetts Colony Records, vol. I., p. 168.

* *Ibid.*, vol. I., p. 222.

of the town, seems to indicate that the provisions of this law were partially, if not rigorously, enforced within the limits of Newbury:—

It was agreed that Edward Rawson Rich. Browne & John Knight shall goe and, according to former agreement which the towne had with Thomas Cromwell, take possession of the half acker whereon he hath builded a cove house without their leave.*

March 9, 1636-7, the General Court ordered, as a precautionary measure against danger from the attacks of Indians, "that the military officers in every towne shall pvide that watches bee dewly kept in places most fit for comon safetie," and at the same court Mr. John Spencer was appointed captain for the town of Newbury.† At a meeting held by the freemen of Newbury subsequently to the adoption of this order, the following vote was passed:—

Itt is agreed and appoynted that there shall be a walk of sixteen foott broad on the topp of the great hill from one end to the other and a way to great point of fower foott broad through Stephen Kent his lott.*

It is uncertain when this walk "on the topp of the great hill" was decided upon, as neither the day of the month nor of the year is given in the record above quoted. But the location was well chosen, and gave to the sentinels on duty there a broad and extended view of the surrounding country. Tradition asserts that the walk ran in an easterly and westerly direction on the crest of the hill, while the "fower foott" way extended from the summit in a southerly direction to the open field or common land, now known as the "Lower Green." At or about the time that these precautionary measures were taken and sentinels were stationed on the top of Great hill, the freeholders of Newbury, in town meeting assembled, "ordered that Mr Woodman shall have a house lott between Mr Rawson's & the River Provided that if there be a fort built by the water side heere after that, then his lott shall give way."*

There was evidently an effort made at that time to build a

* Town of Newbury Records, vol. I.

† Massachusetts Colony Records, vol. I., pp. 190, 191.

fortification of some kind on the banks of the river Parker to protect the approach to the settlement by water; but the fort was probably never built.

BIRTHS, DEATHS, AND MARRIAGES.

December 10, 1641, the General Court "ordered that in every towne one shal bee appointed to grant sumons & attachments in all civil cases" and "to bee clarks of the writtes." *

"Mr Lowle" was appointed for the town of Newbury. June 14, 1642, the clerks of writs were ordered "to find out in their several towns who hath bene borne & who hath died since the first founding of their townes & to record the same." †

March 7, 1643/4, certificates of births, deaths, and marriages in every family in the colony were ordered to be brought "to the clarks of the writtes" from month to month and year to year, to be by them recorded.‡

October 27, 1647, the General Court appointed "Anthony Somersby to be clarke of the writs at Newberry & to record births, deaths & marriages in place of John Lowle deceased." §

Apparently, no effort was made to collect and record the names of those who were born or who had died in Newbury until after the adoption of the order passed June 14, 1642, directing the "Clarke of the writs" to attend to that duty. It is therefore impossible to state with certainty whether Mary Brown, Joshua Woodman, or Shubael Dummer, was the first white child born in the town.||

A written statement, evidently prepared for Samuel Sewall, chief justice of the province of Massachusetts, now in the possession of the New England Historic Genealogical Society, claims that Shubael Dummer is entitled to that honor. The statement is as follows:—

* Massachusetts Colony Records, vol. i., p. 344.

† Ibid., vol. ii., p. 15.

‡ Ibid., vol. ii., p. 39.

§ Massachusetts Colony Records, vol. ii., p. 198. John Lowell died June 29, 1647.

|| See Coffin's History, pp. 19, 21; also "Ould Newbury," pp. 23, 297.

NEWBURY April ye 2^d 1717

Thre persons claim ye right of ye first born in this Towne, viz:—
Joshua Woodman, Caleb Moody & ye wife of Peter Godfre, these being
not to be found in ye Record: it must be given to Mr Shubael Dummer,
as appears by ye following account.

A Record of ye Births of Children born in Newbury—in ye County
of Essex; in ye Province of ye Massachusetts Bay in New England Ano.
Dom: 1635—

1635 Shubael ye son of Mr Richard Dummer born february 17th

1636 Elizabeth Holt ye daughter of Nicholas Holt was born Mar.
30th*



THE BURYING GROUND.

"In that parcell of land called the [meeting house] greene."

The burying-ground was evidently near the meeting-house,
on a lot of land "called the greene," of which twenty rods
were reserved when the remainder was sold to Mr. John
Emery in 1647.† A few weather-worn and dilapidated

* New England Genealogical Register, October, 1880, p. 390.

† Town of Newbury Records, vol. i. John Emery sold to his son Jonathan Emery, April 9,
1679, one-half the land conveyed to him by the town of Newbury. (Essex Deeds, Ipswich Series,
vol. iv., p. 246.) February 4, 1728-9, Jonathan Emery sold to William and Richard Dole about
seventeen and one-half acres of land, "excepting and Reserving the Twenty Rods of land reserved
for a Burying place formerly laying within the Bounds of said Tenement or Tract of land for the
End for which it was proposed by the Town of Newbury." (Essex Deeds, vol. lii., p. 66.)
March 21, 1728-9, William Dole conveyed one-half this estate to Joseph Halsey. (Essex Deeds,

gravestones mark the place where some of the first settlers of Newbury were buried.

The record of deaths and marriages previous to 1645 is very imperfect. It was kept by John Lowle, clerk of the writs. The first death where the name and date are given in full is that of John Kent, son of John Kent, who "dyed ye 7th of February 1641." The earliest marriage recorded is that of "Christopher Bartlet to Mary — April 17, 1645."

Commissioners or magistrates, appointed by the General Court, were authorized to join persons in marriage in Newbury, but nowhere in the colony were ministers granted or allowed that privilege.

June 14, 1642 Mr William Bellingham was appointed to see Marriages solemnized at Rowley & Neweberry & to keepe record thereof *

Nov 4, 1646 The Corte hath granted comission to Mr Edwd Rawson to see people joine in Marriage in Newberry durv the pleasure of the Corte †

Oct. 14, 1651 In answer to the petition of the towne of Newberry Capt William Gerrish is hereby authorized to marry such there as shall be legally published.‡

May 14, 1656 It is ordered, by this court, that from henceforth any one of the three comissioners for the endinge small causes in the severall townes where no magistrate dwells shall be & hereby are authorized & empowered to solemnize Marriage betweene p'tyes legally published, p'vided two of the sd comissioners be p'sent & all other comissions in this case are hereby made voyd §

Two years later the above order was modified, and the county courts were authorized to appoint one of the three commissioners for small causes in any town, and allow him to officiate at marriage ceremonies, even though the other commissioners were not present.||

September 28, 1658 Mr Edward Woodman of Newbury allowed to marry and to take oaths in civill cases ¶

vol. llii., p. 58.) April 9, 1739, the land was divided, and in 1793 the heirs of Joseph Halsey deceased, conveyed to Paul Halsey their right, title, and interest in the property. (Essex Deeds, vol. clvii., p. 204.) The land "surrounding the burying place" is now owned by Mrs. Joseph Halsey.

* Massachusetts Colony Records, vol. ii., p. 14.

† Ibid., vol. ii., p. 166.

‡ Ibid., vol. iv., part i., p. 65.

§ Ibid., vol. iv., part i., p. 255.

|| Ibid., vol. iv., part i., p. 322.

¶ Ipswich Court Records, Book I., p. 60.

For more than twenty-five years this order continued in force, and appointments were annually made by the county courts at Ipswich and Salem. June 4, 1685, however, the General Court, in answer to a motion made by Richard Bartlett, who was then a deputy from Newbury, appointed Mr. John Woodbridge "to administer oaths & joyne persons in marriage there who desire it being published according to lawe." *

December 24, 1690, the General Court appointed

.... Mr. John Woodbridge and Capt Daniel Pierce of Newbury to join Persons together in marriage in that Town according to the Direction of ye Laws in that behalf made.†

Under the laws of the Province of Massachusetts Bay, established after the charter of the colony had been annulled, justices of the peace in the counties where they resided, and ministers in the towns where they were settled, were authorized to unite in marriage "any two persons legally published." ‡

The privilege granted to ministers was enlarged December 1, 1716; and they were allowed to officiate at weddings beyond the limits of the towns in which they were settled, provided certain rules and regulations were complied with.§

MEETING-HOUSE.

The first building erected within the limits of Newbury dedicated to the worship of God was probably begun soon after the organization of the church in the summer of 1635, but it was not wholly completed until September or October, 1638. Services, however, were held in the unfinished structure, and a special tax was levied upon the freeholders of the town, on or before October, 1637, for the support of public worship. The earliest votes and orders relating to the assessment and collection of this tax are as follows:—

* Massachusetts Colony Records, vol. v., p. 483.

† Massachusetts Archives, vol. xxxvi., p. 260.

‡ Province Laws, vol. I., p. 62.

§ Ibid., vol. II., p. 60.

It is agreed that all the moneys, goods or chattells that shall bee gathered or distrained for the rate of the meeting house shall bee delivered into the hands of Jo: Woodbridge who shall receive all & pay all & give up account to the towne when they call for it.*

Dec. 11, [1637?] It is ordered that the meeting house rate shall bee gathered at two several & distinct payments the one presently, the other when the towne sees necessary use of it and requires it.*

January 18, 1637-8 It is ordered that Richard Knight, James Browne, & Nicholas Holt shall gather up the first payment of the meeting house rate & the towne rate within one fourteenight on the penalty of 6^s 8^d a piece.**

March 9, 1636-7, the General Court enacted a law requiring every able-bodied man above eighteen years of age to attend meeting on the Lord's Day "with their musketts, or other peeeces fit for servise, furnished wth match, powder, & bullets, vpon paine of 12^d for every default."† This law was repealed May 2, 1638, except the clause "about carrying armes to the meeting house," which was referred to the inhabitants of the several towns in the colony to take such action as they might deem advisable. In the month of June, 1638, all the able-bodied men of Newbury were enrolled and formed into four companies, under the command of John Pike, Nicholas Holt, John Baker, and Edmund Greenleaf. They were required "to bring their armes compleat one Sabbath day in a month and the lecture day following," and "stand sentinell at the doores all the time of the publick meeting."‡

At a legal meeting held September 4, 1638, the freeholders of the town ordered

. . . that a rate of twenty-eight pounds shall be made speedily and gathered within one fourteenight for the *finishing* of the meeting house.*

The towne appoynted Mr Woodman & Ed: Rawson to make this rate.

The towne appoynted the Constables to gather this rate.

The towne hath appoynted Henry Short & Rich: Kent to receive this rate & survey the worke.*

* Town of Newbury Records, vol. I.

† Massachusetts Colony Records, vol. I., p. 190.

‡ Coffin's History of Newbury, pp. 26, 27.

June 13 1572 1638

Edmund
Woodman

Jo Woodbridge

Edmund Parker

William Moody

James Barnett

John Knight

Abraham Tappan

These names left to the liberty of pastiche names
to be used & provided according to their discretion for the bringing
of some to the meeting house it for the purpose of the
& others. The pastiche names divided into a several & equal
parts. Each part shall bring complete sums according to the
portion of the wages the former date appropriated to service the
duyngs in care & manner as followeth:
For a like the for John Baker, & Edmund Greenleaf
being appointed as overseers of the duyns and others is
follow by the same viz. They shall give notice to the party of
persons under their several duyns to bring their arms
& complete and ready pay in a month & the persons of the
ing separately and after another & the persons of the
shall cause every person under their several duyns
to stand ready at the death all the time of the publick
meeting in order: whereby every one after another shall
bring himself in person or by a sufficient substitute to be allowed
by the overseer of the ward.

LAND GRANTS.

For more than fifty years after the incorporation of the town of Newbury, all votes and orders relating to the granting of land or the management of town affairs by the free-men and freeholders were recorded in a book also used by the "seven men" for a similar purpose. After the election of Henry Short as town clerk, March 20, 1685-6, the grants made before and after that date were copied into a separate volume, called the "Proprietors' Book," which is still in a good state of preservation. Most of the early grants consisted of house lots and planting lots of about four acres, each located in the immediate vicinity of Quascacunquen, now Parker river. A few large farms, however, several miles away from the meeting-house, were granted to men of wealth and influence who resided in the town. In 1635 a large tract of land "at the Falls," now Byfield Parish, was laid out to Richard Dummer by order of the General Court; and the next year the freeholders of Newbury made an allotment of five hundred acres in the same neighborhood to Henry Sewall, sr. Other grants, of considerable magnitude, recorded previous to 1645, are as follows:—

To Mr John Cutting "a ffarme of two hundred acres be it more or less of upland & meadow as it is laid out in length sixteen score rods & in breadth fifty rods, bounded by the falls River South, the common on the north, Mr Greenleaf west & Thomas Coleman on the east."*

To James Browne "a ffarme of one hundred and fifty acres of upland and meadow, be it more or less, bounded by several marked trees, by the common round."*

The location of the last grant is somewhat uncertain. It was evidently surrounded on all sides by common, or undivided, land. In 1655, it was sold to Hugh March, and was then bounded, in part, by the "birchen meadow."

There was Granted to Mr Stephen Dummer three hundred acres of upland & meadow at Turkey Hill, that is sixty acres of meadow joyning to the Hill and two hundred & forty acres of upland to enjoy to him & his heys forever.†

* Town of Newbury Proprietors' Records, pp. 20, 29, 36.

† Ibid., p. 18.

Laid out to Thomas Browne & George Little in the behalfe of Mr Stephen Dummer two hundred and forty acres of upland at Turkey Hill, joyning to Mr Stephen Dumers meadow called by the name of Birchen Meadow.*

To Richard Kent, jr., "A ffarme lott of one hundred acres of upland and meadow on an Island over the Little River and about it, be it more or less," and several other lots of upland and marsh, making in all about two hundred and forty-eight acres, granted February 7, 1646-7, "at a meeting of y^e 8 men deputed to order the Towne Affairs," and described as follows:—

... bounded with y^e great River on y^e South & South West, with a creeke [issuing] out of y^e greate River northward & y^e little River on y^e East & a creeke issuing out of y^e said little River Running Westward meeting y^e other Creeke y^t Issued out of y^e greate River within thirty Rods & so making an Iland.†

There is a farm of 200 acres granted to Mr Edward Rawson [both] of up land and meadow [at] the birchen mead [ow] the whole parcell of meadow there to be divided into three equall portions, Mr Rawson to take his choice.‡

On the twenty-second day of December, 1637 (?), the following vote was adopted by the freeholders of the town:—

It is likewise agreed that Jo: Woodbridge shall have an hundred and fifty acres lying to the northward of Mr Spencers farme, on the right hand of the ridge going to Merrimack & fifty acres of fresh & salt marish to be added more vnto it, in some convenient place, neere adjoyning, to be layd out according to the townes disposing & this instead of his 200 acres formerly granted at the great hill on the south side of the river, to enjoy to him & his heires for ever.§

This grant was subsequently laid out to Mr. Woodbridge, as appears from the following record:—

One hundred and fifty acres of upland as it is laid out, be it more or

* Proprietors' Records, p. 18. May 10, 1648, Mr. Stephen Dummer, then in England, wrote "to his very loving friend, Henry Short, living at Newbury," instructing him to sell the farm at Birchen Meadow. (See Ipswich Deeds, vol. iii., p. 236 (193).)

† Town of Newbury Records, vol. i.; also, Proprietors' Records, p. 16.

‡ This grant was made February 24, 1637. For additional grants to Edward Rawson see "Old Newbury," pp. 50, 51.

§ Town of Newbury Records, vol. I.

less, Bounded by Mr Spencers on the South, John Pike senior and John Moulton on the north, the comon on the west and the Great Street Joyn-
ing to Merrimack River on the East.*

In 1636, probably, the freeholders granted to Mr. John Spencer

... a ffarme of four hundred acres of upland & meadow, be it more or less, bounded by Mr Woodbridge on the north, Mr Parker on the south, the street of eight rods in breadth next Merrimack River on the east, and the comon on the west, and two hundred & fifty acres, be it more less, lying on the left hand of Merrimack Ridge in breadth of the breadth of that on the right hand of the ridge, in length six Score Rods.

October 20, 1637, Mr. Spencer was granted a mill lot of fifty acres "at Newbury falls," and November 20, 1637, he was condemned and disarmed, by order of the General Court, for holding erroneous religious opinions. On the eleventh day of December following, Edward Woodman, John Woodbridge, Henry Short, Richard Kent, Richard Browne, and Richard Knight, having the care and management of town affairs, gave their assent and approval to the following order:—

... fforasmuch as it appeared vnto us on sufficient grounds & evident testimony that Mr John Spenser notwithstanding his intention and resolution to liue away from us & so to deprive us of his usuall helpe & counsell in managing & ordering or greatest & weightiest affaires yet did so secretly carry things that he gott a promise of the towne of farther enlargement wee thought fit therefore to make this publick declaration of or minds & intention in the case that wee judge according to our best light & understanding that he hath no right nor just claime to any more land but what hath been formerly layd out confirmed & the bounds thereof entered into the towne book, seeing that hee desired it in relation to the service which he had & was likely still to doe for the towne & the townes promise was on such [] condition which they are defeated off. The present order [] therefore doth declare that the ground lying to the northward of Mr Spencers farme (the bounds whereof are already entered into the book) is at the townes disposing to be given to whom they see fitt & convenient.†

Subsequently this order was rescinded; and, September 4, 1638, Edward Woodman, Abraham Toppan, Richard

* Proprietors' Records, p. 11.

† Town of Newbury Records, vol. 1.

Browne, and John Knight, in behalf of the town, signed the following agreement :—

It is agreed that the lotters shall lay out 150 acres of upland & meadow to Mr Spenser on the north side of his farme lying in manner & order as his farme doth that is allready layd out & 150 acres of land lying next Mr Spensers on the right hand of the ridge to John Woodbridge, according to former order, to enjoy to them & theirs for euer.*

A farme granted to Mr Clarke of 400 acres next to Mr Sewalls:

The bounds of Mr Clarke his fairme begin at the mouth of Carte creeke thence running easterly ten score rodd abutting on the Mayne river toward the South & thence it runs up sixteene score rodde into the country upon a line north & by west to two birchen trees marked, standing on a banke of rocks, thence it runs in a straight line westerly tenn score rodd to a marked tree on a mount & thence in a straight line east & by South to the mouth of Cart creeke againe, taking in all the meadow on the east side of the Pine Swamp.

the 23rd of the 11th mo. 1637.

EDWARD WOODMAN	HENRY SHORT
RICHARD BROWNE	RICHARD KENT
JOHN WOODBRIDGE	RICHARD KNIGHT

Memoranda: This writing was recorded for Mr John Clarke now of Ipswich, late of Newbury, 8th day of March, 1647.†

The towne being desired to express themselves whether they were willing that Mr Bacheler & Mr Hussy should take the land at ye new meadow lately given to Mr Woodman & Mr Rawson upon their willing resignation of the same & the towne would promise them satisfaction, the towne did generally express themselves willing to both & Hen: Short & Wm: Moody were joynd to the three of the former five to manage the towne busynesse to judge & determine what shall satisfy the sayd Mr Woodman & Mr Rawson for [what loss] & the land henceforth to remaine as the proper right & inheritance of the sayd Mr [Stephen] Bacheler & Mr [Christopher] Hussey.*

* Town of Newbury Records, vol. L.

† Ipswich Deeds, vol. i., p. 37 (126). Dr. John Clark was an eminent physician. He came to Newbury in 1637, removed to Ipswich in 1647, and two or three years later purchased a dwelling-house in Boston, where he resided until his death in the month of January, 1664-5. At a general town meeting held in Newbury, September 28, 1638,

"It was granted that Mr Clarke in respect of his calling should be freed and exempted from all publick rates either for the country or the towne so long as he shall remayne with us and exercise his calling among us."

December 1, 1651. "John Clarke of Boston, Chirurgion, & Martha his wife, in consideration of the house they now occupy in Boston and a certain lot of land adjoining," convey to Matthew Chaffey of Boston, shipwright, the farm of four hundred acres at Cart Creeke in Newbury (Ipswich Deeds, vol. i., p. 99 (294), and the same day Matthew Chaffey of Boston and Sarah, his wife, sold the farm "with the housings and buildings thereon" to Richard Thorley of Newbury. (Ipswich Deeds, vol. i., p. 100 (297).)

SALISBURY.

September 6, 1638, the General Court granted Simon Bradstreet and Capt. Daniel Dennison, of Ipswich, John Clarke and Christopher Batt, of Newbury, and others, liberty "to begin a plantation at Merrimack." A location on the north side of the Merrimack river was selected early in the spring of 1639, and house lots were laid out and assigned to the new settlers. Christopher Batt, John Sanders, Robert Pike, Thomas Macy, Richard Singletary, and Anthony Sadler, of Newbury, received grants of land "in the first division."

September 4, 1639, the General Court ordered that the "plantation beyond Merrimack shalbee called Colechester"; * and October 7, 1640, the governor, with the consent of the Court of Assistants and House of Deputies, declared that "Colechester is henceforward to bee called Salsbury." †

The new name was probably suggested by Christopher Batt, who came from Salisbury, England, with his wife Anne, and five children under ten years of age, in the ship "Bevis," in the month of May, 1638.‡

ROWLEY.

In the spring of 1639, Rev. Ezekiel Rogers, with a company of about twenty families from Yorkshire, England, was allowed to begin a new settlement between Ipswich and Newbury. From the records of the General Court under date of March 13, 1638-9, it appears that "M^r Ezechi: Rogers, M^r John Philips & their Company had granted them 8 miles every way into the Countrey, where it may not trench vpon other plantations already settled." §

Several farms that had been granted by the General Court to various individuals in Ipswich and Newbury were purchased, for the better accommodation of the new settlement,

* Massachusetts Colony Records, vol. i., p. 271.

† Ibid., vol. i., p. 305.

‡ Drake's "Founders of New England," p. 60.

§ Massachusetts Colony Records, vol. i., p. 253.

by the payment of nearly eight hundred pounds;* and the freemen of Newbury voted that the Rev. Ezekiel Rogers and his company should have undisturbed possession of all the common and undivided lands within certain specified limits, as follows:—

The towne being assembled together and being desirous to manifest theyr earnest desires and willingness to give due incouredgment unto the worthy gentlemen who desire to set down between us and Ipswich as to part with such a portion of land as cannot any way be expected from them, or may without endangering their present necessities afford. Hoping on good grounds it may fully answer their desires and expectations they have determined as followeth:

Ily the common and general suffrages of the body of freemen, none excepted, there was granted to the said gentilmen all the upland and meadow and marsh between us and Ipswich incompassed by the line heer underwritten, namely:

That their line shall begin from the head of the great Creek between the neck over the great river and Mr. Dummers, running due west as we come to the great Creek, being the bounds of John Osgoods farm, which issues into Mr Eastons river and above that creek all the lands southward of Mr. Eastons river, and from that river from the path leading to the falls to run a due west line into the country a mile, and afterwards to run on a north west line so as it come not within half a mile of the side line of Mr. Dummers farm. Likewise it comes two miles distant of Merrimack. Provided that if after they have entered by buildings or otherwise on this part of land granted to them and leave off from going on with a plantation or a towne between us, that then the grants above-said shall be void to all intents and purposes and to remaine the proprietyes and inheritances of the towne of Newbury in as ample a manner as before the grant hereof in all respects.†

September 4, 1639, the General Court ordered that "Mr Ezechi: Rogers plantation shalbee called Rowley."‡

May 13, 1640, the company was released from the payment of taxes for two years "because of their great losse & charge by purchasing of land & hindrance of planting the last year."§

November 13, 1655, the General Court, "with the consent of the deputy of Rowley and Capt Gerrish and M^r Wood-

* Winthrop's History, vol. I., p. 354.

† Proprietors' Records, pp. 7, 8; Coffin's History of Newbury, p. 29.

‡ Massachusetts Colony Records, vol. I., p. 271.

§ Ibid., vol. I., p. 289.

man of Newbury," appointed a committee to consider and determine where the division line between the two towns should run. May 14, 1656, the committee agreed upon a line, beginning at a white oak-tree standing upon the north-west side of Easton's river, and thence running westerly one mile to a heap of stones "laid there according to the courts order," and thence in a northwesterly direction to the Merrimack river.*

Subsequently the General Court confirmed and established this division line, although an attempt was made to modify it; as stated in the next chapter.

HAVERHILL

March 13, 1640, a petition was presented to the General Court for liberty to begin another plantation on the Merrimack river. In answer to this petition, the General Court voted that

The desires of Mr Ward & Newbury men is comitted to the Governor, Deputy Governor, & Mr Winthrope, Senior, to consider of Pantucket & Coijchawick (now Andover) & grant it them, p'vided they returne answer wth in three weeks frō the 21th psent, & that they build there before the next Courte.†

Pentucket was selected as the most convenient place for the new settlement; and, June 2, 1641, the General Court passed the following order:—

Mr John Woodbridge, Mattheue Boyse, John Crosse & George Gittings they 4, or any 3 of them, are appointed to set out the bounds between Salsbery & Pantucket, ali: Haverell. They are to determine the bounds wch Mr Ward & his company are to inioy as a towne or village if they have 6 houses up by the next Genrall Court in the 8th mo.‡

Although the Rev. Nathaniel Ward, of Ipswich, author of "The Simple Cobbler of Agawam," was active and earnest in his efforts to organize a company for the settlement at Pentucket, he did not remove there; but his son, the Rev. John

* Massachusetts Colony Records, vol. iv., part i., pp. 249, 263. † Ibid., vol. i., p. 290.

‡ Ibid., vol. i., p. 319.

Ward, who was born in Haverhill, Essex county, England, was evidently one of the most zealous supporters of the enterprise, and ultimately became prominent as pastor of the first church in the town, named "Haverhill," in honor of his birthplace. Among the men who were associated with the Rev. Mr. Ward in organizing the new settlement were William White, Samuel Gile, James Davis, Henry Palmer, John Robinson, Christopher Hussey, John Williams, and Richard Littlehale, of Newbury.* Tristram Coffin also resided there for several years, and his name appears as witness to a deed, dated November 15, 1642, conveying to the inhabitants of the town all the land within its limits belonging to the Indian chieftains Passaquo and Saggattew. Mr. Coffin was licensed, May 26, 1647, to keep an ordinary, and also to keep a ferry over Merrimack river in connection with Mr. George Carr. He probably removed to Newbury about the time his license was granted by the General Court.

PUBLIC HOUSES.

March 4, 1634-5 the General Court ordered

... that noe pson whatsoeuer shall keepe a comon victualing howse, without licence from the Court, vnder the penalty of XXs a weeke.†

September 3, 1635, Francis Plumer, who came to Newbury soon after the incorporation of the town, was licensed "to keep an ordinary"; June 6, 1637, John Knight, of "Newebury," was granted liberty "to keepe an ordinary and give intertainment to such as neede"; and, May 22, 1639, "Edmond Greenlyf of Newberry" was permitted "to keepe a house of intertainment."

In order to provide for the accommodation of strangers on special occasions, the law relating to the keeping of ordinaries was modified November 5, 1639, as follows:—

In regard of the greate inconvenience that is found for want of fit places of intertainment of people vpon occasion of great assemblies, & arrivall of ships wth passengers, it is declared, that vpon such occasions,

* Coffin's History of Newbury, p. 33.

† Massachusetts Colony Records, vol. I., p. 140.

it is lawfull for any person, in any towne where such great resort of people shall happen to bee, to give intertainement to such people & to affoord them lodging & dyot at reasonable rates, though they bee not allowed to kepe comon ordinaries &c.*

May 14, 1645, the General Court ordered

. . . y^e no man shal be alowed to keepe publicke houses of intertain m for strang^rs or travellers, nor shall any one be a comon victualler, in-keeper, or keeper of a cookes shop, vintner, taverner, or public seller of wine, ale, beare, strong water, without allowance in some Q^{rt}r Cort in y^e sheire where such do dwell, upon paine of forfeiture of 20^s p week while they continue without y^e said licence; nor shall any such pson as have publicke houses of int^rtainm^t & have licence, sell beare for above 2^d an ale qrt; &c.†

While this law was in force, Tristram Coffin, sr., petitioned the General Court for liberty to keep an ordinary, and also a ferry on the Newbury side of Merrimack river. His petition was granted May 26, 1647; and the same day the General Court ordered, that "henceforth all such as are to keepe houses of comon intertainm^t & to retaille wine, beere &c" shall apply for license to the courts of the shire in which they live in order that the time of the deputies may be devoted to matters of more importance. ‡

SALE OF WINE, BEER, AND OTHER LIQUORS.

In 1637, the keepers of ordinaries were not allowed "to sell either sack or strong water," § and could make or keep in their houses only a mild kind of wine or beer:—

Provided that it may bee lawfull for any such inkeeper or victualler to have in their houses some small quantity of strong water for their owne private & necessary use.¶

March 12, 1637-8, the law imposing a duty on wine and strong water imported into the colony from beyond the sea was repealed; " & it is ordered, that every town shall p'sent

* Massachusetts Colony Records, vol. i., p. 279.

† Ibid., vol. ii., p. 100.

‡ Ibid., vol. ii., pp. 188, 194. For additional particulars relating to inns and taverns, see "Ould Newbury," pp. 108, 109, 175-188, 493-507.

§ Ibid., vol. i., p. 205.

¶ Ibid., vol. i., p. 214.

a man to bee allowed to sell wine & strong water made in the country & no other strong water is to be sould."*

Edward Woodman was appointed by the General Court agent for the sale of spirituous liquors in Newbury, and continued to hold that office for several years. November 13, 1644, the law was again changed, and licenses were granted to various individuals in the colony "to draw wine" upon the payment of a tax to be assessed and collected in proportion to the number of gallons sold.† In order to secure the enforcement of this law, these taxes or license fees were sold to Edward Rawson for a stated sum; and the government was relieved of all further trouble and expense in regard to them.

The following agreement was recorded November 13, 1644:—

Mr Edward Rawson hath hired to farme y^e rent due for wine drawn in y^e countrey for 107*£* 10^s for a yeare.‡

May 6, 1646, the General Court ordered

... that Mr Rawson y^e officer appointed to receive y^e custome of wine y^e last yeare, shalbe allowed one fourth part of what is due to y^e country on that ord^r, in satisfaction of his charge & expense of time expended on y^e p^rsecuting of that order, he giving y^e auditor gen^rall an account there of y^t so he may p^rcure it in to defray y^e country charges.§

In 1652, the law regulating the sale of wine and beer was again amended, and after that date the excise duties were sold for a term of five years to the highest bidder.‡

COCHICHAWICK (ANDOVER).

March 4, 1634–5, the General Court ordered

... that the land aboute Cochichowicke shalbe reserved for an inland planta^con & that whosoever will goe to inhabite there shall have three yeares im^munity from all taxes, levyes, publique charges & services whatsoever (military dissipline onely excepted) John Winthrop, Rich: Bellingham & Milton Coddington, Esq. are chosen a Comⁱttee to licence

* Massachusetts Colony Records, vol. I., p. 221.

† Ibid., vol. II., p. 82.

‡ Ibid., vol. II., p. 87.

§ Ibid., vol. II., p. 150.

¶ Ibid., vol. IV., part I., p. 111.

any that they thinke meete to inhabite there, & that it shalbe lawfull for noe peson to goe thither without their consent, or the Major pte of them.*

May 13, 1640, the magistrates and deputies of the General Court voted that

The desires of Mr Ward & Newberry Men is comitted to the Governor, Deputy Governor & Mr Winthrop, Senior, to consider of Pā tucket & Coijchawick & to grant it them, p'vided they returne answer wthin three weeks frō the 21th p'sent & that they build there before the nexte courte.†

The Rev. John Woodbridge, in a letter to "Hon. John Winthrop, Sen. Esq.," dated "Newberry this 22th of 1 mo 1640" (March 22, 1640-1), says,

"Some of us have desired to plant at Quichichwick & accordingly notwithstanding all the oppositions and discouragements that wee have had, having viewed the place since ye court, were intending this spring to have built there"; but have been prevented by the claim of the Rev. Ezekiel Rogers that a portion of that territory should be granted the town of Rowley. A number of families were ready to remove to the new settlement. "And the reason why I desire your speedy advice is because some of o' company have sold themselves out of house and home & so desire to bee settled as soone as may be."‡

Satisfactory arrangements were made during 1641 or 1642 with the Rev. Mr. Woodbridge and his friends; and May 10, 1643, when the county of Essex was formed, "Cochichwicke" was one of the towns named in the act of incorporation.§

In October, 1645, the Rev. John Woodbridge was ordained minister of the new town.

At a General Court held in Boston, May 6, 1646,

Cutshamache Sagamor of ye Massachusetts came into ye Corte & acknowledged y^t for the sum of £6, & a Coat which he had already re-

* Massachusetts Colony Records, vol. i., p. 141.

† Ibid., vol. i., p. 290.

‡ Massachusetts Historical Society Collections, Fifth Series, vol. I., p. 317.

§ The General Court ordered, May 10, 1643, that the colony of Massachusetts Bay should be divided into four shires, or counties; namely, Middlesex, Suffolk, Essex, and Norfolk. The following-named towns composed the county of Essex:—

Salem	Ipswich	Gloucester
Lynn	Rowley	Cochichawick (Andover)
Enon (Wenham)	Newberry	

— Massachusetts Colony Records, vol. II., p. 38.

ceived he had sold to Mr. John Woodbridge in behalfe of ye inhabitants of Cochichawicke now called Andover all his right, interest & privilege in ye land 6 miles southward from ye towne, two miles eastward to Rowley bounds be ye same more or lesse, and northward to Merrimack river &c.*

Among the Newbury men who accompanied the Rev. Mr. Woodbridge to Cochichawicke, and settled there, were John Osgood, Joseph Parker, John Stevens, Nicholas Holt, Benjamin Woodbridge, John Frye, Nathan Parker, John Aslett, William Ballard, and John Russ, sr.

GUNPOWDER.

June 6, 1639, the General Court authorized the importation of a quantity of saltpetre for the purpose of aiding and encouraging the manufacture of gunpowder in the colony. It is evident, from a careful perusal of the following votes and orders, that arrangements had been made with Edward Rawson to begin the manufacture as soon as the materials could be supplied.

Mr Peters is desired to write to Holland for £500 worth of peter & 40£ worth of match, & to give order vpon the receipt of the salt peter & match heare in good condition, to charge bylls vpon the Governor & the country doth p'mise to save the Governor harmelesse †

It was ordered, that if the salt peter come not, Mr Rawson shal bee considered according to such damage as hee shall sustaine.‡

Mr Edward Rawson is granted 500 acres, at Pecoit, so as hee go on with the business of powder, if the salt peter come.§

Mr. Rawson brought with him to Newbury, in 1636 or 1637, a servant named Richard Crane, who was evidently familiar with the process of making gunpowder. A letter dated Steaston, England, March 15, 1638-9, from Dorothy Crane "To Hir very loveinge husband Richard Crane, servant to Mr Edward Rawson, at his house at Newberry," will be found among the "Winthrop Papers"; || and also a letter from

* Massachusetts Colony Records, vol. III., p. 73.

† Ibid., vol. I., p. 259.

‡ Ibid., vol. I., p. 260.

§ Ibid., vol. I., p. 263.

|| Massachusetts Historical Society Collections, Fifth Series, vol. I., p. 87.

Richard Crane to Governor Winthrop, dated May 9, 1640, containing the following statement : —

My master intended to imploy mee to make powder. I am sorry I could not have materials whereby to improve my skill for the good of the land.*

Subsequently, efforts were made to procure a supply of saltpetre from domestic sources. June 14, 1642, an order was adopted by the General Court requiring every town in the colony to provide a suitable house for the making of salt-petre,† and September 27, 1642, this order was amended; and the selectmen of every town were required to see that every householder, or every two or three householders joined together, should provide "for the breeding of salt peeter in some out house for poultry, or the like," ‡ the annual product to be delivered to the agents of the colony and paid for at a reasonable price. Mr. Edmund Greenleaf was appointed superintendent of the business for the town of Newbury.

October 27, 1648 "The Corte having taken into their serious consideration the great forwardness & readiness of Mr Edw^d Rawson to advance so hopefull a designe as the makeing of salt peter within this jurisdiction, who for that end & purpose hath disbursed certain monyes to his great losse & damage p'sented to us at large in his petition delivred into this p'sent corte, have therefore, in consideration of the p'mises, & answere to his said petition, given & granted to him & his heires 500 a^c of land at Pequot, to be layd out by the appointm^t of the Corte as also five pounds to be paid him out of the treasury." §

May 2, 1649 Mr Edw^d Rawson having resigned up his 500 acres of land formly granted him in p't of recompence of his damage sustained about ye salt peeter, the corte have thought meete to alow him thirty pounds, in full satisfaction, whereof the five pound formly granted is accounted a part.¶

October 10, 1666, the General Court ordered the selectmen of every town to take such steps as may be necessary to provide the makers of gunpowder with an increased supply of saltpetre.¶¶

* Massachusetts Historical Society Collections, Fifth Series, vol. I., p. 201.

† Massachusetts Colony Records, vol. II., p. 14.

‡ Ibid., vol. II., p. 29.

§ Ibid., vol. II., p. 261.

¶ Ibid., vol. II., p. 283.

¶¶ Ibid., vol. IV., part II., p. 320.

Walter Everenden, of Boston, stated, in a petition addressed "To the Honoured Govenor, Deputy Govenor, with the Magestrates & Deputies now assembled and sitting in Boston," May 28, 1672, that he desired to commence the manufacture of gunpowder, but had been prevented by the enactment of laws in England and Holland prohibiting the shipment of saltpetre to America. He therefore humbly requested "the honoured court" to order the inhabitants of every town in the colony to furnish their proportionate share of saltpetre without further delay.*

In the year 1675 a powder-mill was erected in the town of Dorchester. Previous to that date the materials used in the manufacture of powder were coarsely ground or pulverized in mortars made for that purpose, and afterward roughly cleared of impurities, and mixed without the aid of machinery. The importance of the new enterprise was thoroughly appreciated by the General Court; and two watchmen were appointed, October 13, 1675, one from Dorchester and one from Milton, to guard the property and protect it from the danger of fire to which it was exposed.

Walter Everden, or Everenden, was employed as manager or superintendent of the manufacturing department. He subsequently became the owner of the mill, and for nearly fifty years was a successful manufacturer of gunpowder.†

ARMS AND AMMUNITION.

September 3, 1634, the General Court elected Richard Dunier, then living in Roxbury, and Nicholas Easton, of Ipswich, with other freemen of the colony, "ouerscers of the powder & shott & all other amunicōn, in the sūall plantacōns where they lyve." ‡

Subsequently every person capable of bearing arms was obliged to furnish himself with a musket, and also with powder and shot.

March 13, 1638-9, the General Court ordered that

* Massachusetts Archives, vol. lix., p. 124. † History of Dorchester (1859), pp. 607-611.

‡ Massachusetts Colony Records, vol. I., p. 125.

Neweberry, Linn, Hingham Waymoth each of them shall have one barrell of gunpowder, w^{ch} shalbee sould out to those that find muskets, at 2^s the pound, w^{ch} money shall bee returned to the Treasurer, & for want thereof, the Treasurer shall levy it of the towne, &c.*

In consequence of the warlike attitude of the Indians the General Court distributed, September 8, 1642, a certain quantity of gunpowder to every town in the colony. Hampton, Salisbury, Newbury, and Rowley received one barrel each; and the record further says "that Hampton & Neweberry had each of them a barrell before, w^{ch} they are to alow for, besides the barrell w^{ch} is now alowed to each of them by this order." †

It is evident that arms and ammunition were not abundant in the colony at that time, and the following orders indicate that the colonial authorities were careful and prudent in distributing them.

September 7, 1643 It is ordered that Ipswich, Salem & Newberry shall answee for the powder or armes they have had.‡

It is ordered that the souldiers of Ipswich, Rowley & Newberry, w^{ch} were sent to the Indians, should each man bee alowed one pound of powder.§

May 29, 1644 It was ordered that the surveyor of armes shall deliver to the deputies of Newberry two snapphance muskets instead of those wee had of them, & not of lesse valewe.¶

May 14, 1645, the several towns in the colony were ordered to send to the general surveyor of arms "at Richard Fairbanks howse in Boston" a true report of the number of fire arms in their possession "wthin a fortnight after y^e sitting of y^e Courte." ||

A barrel of powder having been delivered to Mr. Edward Rawson for the town of Newbury, and a portion of it having been used in the public service, the General Court ordered, May 2, 1649, "that Edw^d Rawson should onely satisfy y^e survey^r gen^lall 5£ for y^e barrell; & the towne of Newbury & himselfe is hereby discharged therefrom." ¶¶

* Massachusetts Colony Records, vol. i., p. 255. † Ibid., vol. ii., p. 26. ‡ Ibid., vol. ii., p. 46.

§ Ibid., vol. ii., p. 72.

¶ Ibid., vol. iii., p. 14.

¶¶ Ibid., vol. ii., p. 270.

COMMISSIONERS OF SMALL CAUSES.

Magistrates elected to the General Court were authorized, September 6, 1638, to hear and determine all questions "where the debt trespass or damage &c doth not exceed 20^s" in the towns where they resided, "and in towns where no magistrate dwells, the Generall Court shall from time to time nominate 3 men, two whereof shall have like power to heare & determine all such actions vnder 20^s." *

The same day "Mr Edward Rawson, Mr John Woodbridge & Mr Edw^d Woodman were chosen" commissioners for the town of Newbury.

June 2, 1641 for to order small causes at Newberry, Mr Woodman, Mr John Oliver & Mr John Woodbridge are appointed.†

October 7, 1641, Mr. Edward Rawson was chosen commissioner in place of Mr. John Oliver;‡ June 14, 1642, "Mr Greenleiffe is appointed instead of Mr Woodman to end small businesses in Neweberry";§ and, September 27, 1642, "Mr Clarke is appointed in Mr Rawsons place to end small causes at Newberry." ||

May 29, 1644, the General Court ordered "that Mr Rich'd Dumer, James Browne, & Henry Short shall end small controversies at Newberry." ¶

May 14, 1645 Mr Edward Woodman, Mr John Lowle, & Rich'd Knight are chosen to end small causes under 20^s in Neweberry.**

FINES AND PUNISHMENTS.

At a quarterly court held in Boston December 4, 1638,

The towne of Neweberry was fined 5 sh^s for want of a paire of stocks & time was given them till the nexte courte to make them. ††

June 2, 1640 Neweberry, for want of towne weights & measures, fined 6^s 8d. ‡‡

* Massachusetts Colony Records, vol. I., p. 239. † Ibid., vol. I., p. 328. ‡ Ibid., p. 339.

§ Ibid., vol. II., p. 14.

|| Ibid., vol. II., p. 28.

¶ Ibid., vol. II., p. 72.

** Ibid., vol. II., p. 98.

†† Ibid., vol. I., p. 248.

‡‡ Ibid., vol. I., p. 297.

March 3, 1639, 40 Mr Henry Seawall for his contemptuous speech & carriage to Mr Saltonstall was enjoined to acknowledg his fault publicly at Ipswich court & to bee of good behavior & was enjoined to appear at the next Quarter Court &c. . . . hee bound him selfe in 66*l* 13*s* 4*d* for his appearance & good behavior.*

June 2, 1640 Mr Richrd Dumer for want of weights & scales, wch were supplied, 5*s*.†

March 2, 1640/41 Mr Richrd Dumer had his fine of 5*s* remitted, the p'sentm^t being upon a mistake, as was testified. ‡

William Franklin, one of the early settlers of Newbury, was accused of excessive cruelty, which resulted in the death of a boy whom he had taken as an apprentice. He was tried at the Court of Assistants in April, 1644 (?), and "was found guilty of murder; but some of the magistrates, doubting of the justice of the case, he was reprieved till the next court of assistants." § May 29, 1644, the General Court, after further consideration of the case, declared:—

Willi: Francklin is refered to the mat^rs; if they see cause hee may have a second triall for his life the next Quarter Cor't. ||

The governor and magistrates having met at Salem, May 30, 1644, were not disposed to grant the condemned man a second trial, and promptly sentenced him to be hanged for murder.

A warrant was signed by the governor a week after, which was not approved by some in regard of his reprieval to the next court of assistants. ¶

JOHN EALES, BEEHIVE MAKER.

The making of beehives was evidently not a lucrative business in Newbury in 1644. Flowers were growing in abundance in the woods and fields, but skill and ability in the management of bees was necessary in order to turn them into a possible source of revenue.

Hive or honey bees were brought to America by the early

* Massachusetts Colony Records, vol. i., p. 286.

† Ibid., vol. i., p. 315.

‡ Massachusetts Colony Records, vol. ii., p. 71.

§ Ibid., vol. i., p. 297.

¶ Winthrop's History, vol. ii., p. 225.

¶ Winthrop's History, vol. ii., p. 226.

settlers of New England. They followed the pioneers of civilization to Ohio and Kentucky, but as late as 1797 they were practically unknown in the vast uninhabited territory lying west of the Mississippi river.

The inhabitants of Newbury were evidently disposed to favor bee-keeping, as a new and profitable industry; and John Eales was engaged to assist them in their efforts to make the business a financial success, as appears from the following petition to the General Court:—

To the Honnored Courte now assembled. The humble petition of John Lowle & Edward Woodman in the name & on the behalfe of the Towne of Newberry.

Humbly Showeth

That whereas one John Eales aged upwards of 70 years on or about August last came to Newberry to one John Davis a Renter of a farm there with ye expectation of his doing service which the Towne was not acquainted with, being found unable to gett his living & going from us was stayed by ye constable of Ipswich. Ye Honnor'd Courte thereupon sent him back to ye constable of Newbury to be found at the Countreyes charge untill this Courte sh'd determine the waye to dispose of him. Now our humble desire is yt ye worships would be pleased to dispose of him where it may be least chargeable to ye countreye & most beneficial to himself, with what & where ye constable shall pay out ye worships shall Judge meete for his so long abiding with him, & your peticoners shall pray &c

JOHN LOWLE

EDWARD WOODMAN *

In answer to this petition the General Court ordered, May 14, 1645:—

It is conceived John Eales should be placed in some convenient place where he may be implied in his trade of beehive makeing, etc.; & ye towne of Neweberry to make up what his work wanteth of defraying ye charge of his livelyhood.†

* Massachusetts Archives, vol. i., pp. 4, 5.

† Massachusetts Colony Records, vol. ii., p. 101. May 14, 1634, "John Eales" was made a freeman at the General Court (Massachusetts Colony Records, vol. i., p. 369). As early as 1640, perhaps earlier, he was living at Fox Point, Dorchester. He had a son Samuel, baptized May 3, 1640. In the note-book of Thomas Lechford, pages 418 to 424, there is a covenant or agreement between "Thomas Allen of Barnstable and John Eells of Dorchester," made July 8, 1641, in regard to house and land in the county of Devon, England. "John Eeles" is said to have removed from Dorchester to Hingham, and may afterwards have settled as bee-hive maker in Newbury.

REMOVAL FROM PARKER RIVER TO MERRIMACK RIVER.

The map on the opposite page gives the bounds and limits of Newbury after the incorporation of Rowley in 1639, and the location of some of the prominent hills. The line extending from the landing-place on Parker river to Mr. John Spencer's farm gives the general direction of the path or way that was subsequently extended, as shown by the dotted line, to the ferry landing on Merrimack river. The way from Frog pond to Watts's cellar is now State street, Newburyport.

The limited supply of arable land in the vicinity of Parker river induced many of the inhabitants to favor a removal to a new location three or four miles distant. No definite action was taken, however, until 1642, when a board of commissioners was appointed to lay out and assign to the freeholders of the town all the undivided land between the narrow winding path, or way, now known as Parker Street, or Low Street, and the Merrimack river, extending from John Spencer's farm on the southeast to the mouth of the Artichoke on the northwest. Many serious difficulties and complications delayed the work of the commissioners. A strong and vigorous minority opposed the removal of the meeting-house, and otherwise obstructed the organization of the new settlement. After a long and severe struggle the opposition was weakened, and conciliated by special grants and concessions; and the important question that had disturbed the town for four years was definitely settled.

The first order relating to the proposed removal of the inhabitants of Newbury is found in the Proprietors' Records, and reads as follows:—

Generall and perticular orders made by the men Deputed for the Managing of those things that concerne the ordering of the New Towne from Decem^b 7th 1642.*

* Proprietors' Records, vol. I., fol. 44.

MAP OF NEWBURY, 1640.



Mr Richard Duñer	Mr Thomas Parker	Mr John Spencer
Mr Henry Sewall	Mr James Noyes	Mr John Clark
Mr Edward Rawson	Mr Percival Lowle	Mr John Woodbridge
Mr John Lowle	Mr Stephen Duñer	Mr John Cutting
Henry Short	Richard Kent Junr	Mr James Browne
Thomas Cromwell	Samuel Scullard	Richard Knight
Nicholas Holt	Mr Edmund Greenleaf	Richard Browne
Henry Rolfe	John Osgood	Mr Oliver
John Merrill	Abell Huſe	Stephen Kent
Thomas Hale	Joseph Carter	John Cheney
Joseph Peasly	John Knight	Richard Badger
William Morss	Henry Lunt	Anthony Morss
John Goff	Thomas Browne	William Thomas
John Stevens	John Hutchens	Nicholas Noyes
Anthony Short	Daniel Thirston	Widdow Stevens)
John Pemberton	John Poer	Nath Wier
John Pike Senr	John Pike Junr	Mr Woodman
John Muſſelwhite	Henry Palmer	John Kelly
John Emery	William Titcomb	John Fry
Anthony Somerby	Nicholas Batt	Francis Plumier
Richard Bartlet	Thomas Smith	John Bartlet
William Moodye	William White	Robert Coker
William Franckling	Thomas Davis	Richard Fitts
Abraham Topan	Wm Elmesley	William Palmer
Henry Somerby	Samuel Guile	Thomas Blumfield
Walter Allen	Thomas Dow	Thomas Coleman
Thomas Silver	Archelaus Woodman	George Browne
Henry Travers	Jo Swett	Nath Badger
Richard Littleale	Christopher Bartlet	John Bond
Gyles Badger		William Berry
		Mr Miller
		Jo Ruſs

It is declared and ordered hereby according to the former intentions of the Towne that the persons only above mentioned are acknowledged to be free holders by the Towne and to have proportionable Right in all waste lands, commons & Rivers undisposed, and such as by, from or under them, or any of ym, or theyr Heyrs, have Bought, Granted and Purchased from them or any of them theyr Right & title thereunto & none else. Provided also that no freeholder shall bring in any cattle of other mens or towns on the Towns common, above or beyond their proportions otherwise than the freemen shall permit.*

The names of the freeholders and the accompanying order, acknowledging their "proportionable right in all waste

* Proprietors' Records, vol. I., fol. 44.

land," were evidently copied, when the Proprietors' Book was compiled, from records that are not now in existence. There is no doubt, however, that the order, as printed, was adopted by the commissioners soon after their appointment; and it is certain that a year or two later they placed on record the following statement relating to the proposed removal of the inhabitants from Parker river:—

Whereas the towne of Newbury, well weighing the streights they were in for want of plough ground, remoteness of the common, scarcity of fencing stuffe, and the like, did in the year 1642 grant a commission to Mr. Thomas Parker, Mr James Noyes, Mr John Woodbridge, Mr Edward Rawson, Mr. John Cutting, Mr. John Lowle, Mr. Edward Woodman, and Mr. John Clark, for removing, settleing, and disposing of the inhabitants to such place as might in their judgements best tend to theyr enlargements, exchanging theyr lands, and making such orders as might bee in theyr judgements for the well ordering of the town's occasions and, as in their commission more largely appeareth, the said deputed men did order in their first meeting and appoint John Merrill, Richard Knight, Anthony Short and John Emery to go to all the inhabitants of the towne, taking a true list of all the stock of each inhabitant, and make a true valuation of all their houses, improved land, and fences, that thereby a just rule might be made to proportion each inhabitant his portion of land about the new towne, and removing of the inhabitants there.

It was ordered at a meeting of the eight deputed men above mentioned that each freeholder should have a house lott of foure akers. It was further ordered, in respect of the time for the inhabitants removeing from the place they now inhabit to that which is layd out and appointed for their new habitations, each inhabitant shall enjoy their house lotts foure years from the day of the date of this commission.*

There is nothing to indicate when this statement, with the accompanying orders, was entered upon the record; but the freeholders of the town, at a meeting held January 10, 1643–4, voted "y^t eu'y house lott shall be ffoure acres," and on the same day ordered "y^t he y^t hath least land in the New Towne shall have 8 acres y^t [except] John Swett, Tho: Silver, Jo: Russe."*

The adoption of these votes and orders induced those who were dissatisfied to appeal to the governor and the House of

* Town of Newbury Records, vol. I.

Deputies for protection and assistance. June 11, 1644, the General Court ordered "(in ans^r to ye peticon of pte of y^e inhabitants of Newberry) that noe village or towne shalbee erected wthin the bounds of y^e said towne vntill such time as y^e petiçon^s bee ans^{red} by way of comission or otherwise." *

What further action was taken in regard to this petition is unknown; but it is certain that the place first selected for the new meeting-house, "upon the hill by the little pine swamp," was subsequently changed "at a Towne meeting of y^e 8 men the 2^d of January 1645-6," as appears by the following record:—

Wee, whose names are in y^e margent expressed (James Noyes, Edward Woodman, John Cutting, John Lowle, Richard Knight and Henry Short,) for y^e settleing y^e distraçcons y^t yett remayne about y^e settling and placing y^e meeting house y^t all men may cheerfully goe on to improve their lands at y^e new towne doe determine y^t y^e meeting house shall be placed & sett up at or before y^e twentieth of October next in, or upon, a knowle of upland by Abraham Toppans barne wthin a sixe or sixteen Rodd of this side of y^e gate posts y^t are sett up in y^e highway by said Abraham Toppans barne.

Edward Rawson contradicents this order.†

* Massachusetts Colony Records, vol. iii., p. 8.

† Town of Newbury Records, vol. i.

CHAPTER III.

THE SETTLEMENT AT MERRIMACK RIVER, 1645-1685.

ALTHOUGH the location of the new meeting-house was definitely fixed and settled by the vote recorded January 2, 1645-6, a long remonstrance, signed by Edmund Greenleaf, Daniel Thurston, Stephen Kent, John Poore, and others, was presented to the General Court, denouncing the vote as illegal and unjust, and proposing that the church, under the pastoral care of Rev. Thomas Parker, should be divided, one of the elders to remain with the old church, the other to go with the new one.*

To this petition, or remonstrance, the General Court returned the following answer, May 26, 1647:—

1. It is conceived meete, y^t it be declared by y^e authority of this Corte, y^t y^e comission granted to y^e major pt of y^e towne of Newberry & y^e p^rceedings thereupon, to be legall & warrantable.
2. That if any errors were in y^e said comission &c or any dissent from y^e same by any of y^e minor pt &c yet they are all concluded from taking any exception thereto, in regard of their acceptance of y^e recompence ordred for satisfaction.
3. That y^e petitioners of y^e minor pt have failed in not submitting to their owne covenant.
4. That a lettr be written from this Corte to the two eldrs & those brethren of y^e major pt, y^t for peace sake they would please by turnes to supply y^e other pt &c.†

The petitioners, however, were dissatisfied with the decision of the General Court, and did not attempt to conceal their vexation and disappointment. Several of them removed from Newbury; and those who remained reluctantly acquiesced in the removal of the meeting-house "to a knowle of upland by Abraham Toppans barne."

* Coffin's History of Newbury, pp. 44-46.

† Massachusetts Colony Records, vol. II., p. 196.

House lots and farm lots were laid out in the new settlement, and assigned to the freeholders of the town of Newbury as early as 1645. An order was adopted which, though somewhat vague and confusing, gives some of the details of the assignment, as follows :—

It is ordered & determined by the orderers of the Towne affairs that the plan of the new Towne is & shall be layd out by the lott layrs as ye house lotts were determined by their choice beginning from the farthermost on the south street thence running threw the Pine swampe then up the high street numbering the lotts in the south street from the first to John Bartlett's lott the 27th then through the west side of the high street to Mr Lowles ye 28th & so to the end of the streete then running thro' field streete to Mr Woodmans ye 41st thence to the end of that street to John Cheney's ye 50th then turning to the first Cross street the west side of John Emery 51st thence coming up from the River side on the East side of the same street to the other street the west side to Daniel Pearses ye 57th & so to the River side on y^e side the streete to Mr Clarke, whence from ye water side up the street on the East side to Francis Plumer 66th as hereunder by names & figures appended.*

Mr. Thomas Parker	33	Daniel Pearson	57
Mr James Noyes	32	Thos: Blumfield	
Mr Woodman	41	Nath. Badger	58
John Knight	09	John Bond	
Richard Knight	10	John Swett	26
John Pike Junior	55	W ^m Hilton	
Arch: Woodman	42	Rob ^t Lewis	
Jo: Pemberton	46	Gyles Badger	63
Rich. Little Ale	49	Mr Greenlefe	07
Rich. fitts	50	M ^{rs} Oliver	17
Widdow Stevens	13 & 14	Lt John Lowle	28
John Stevens	14	Anth: Short	08
Anth: Somerby	44	Jo: Hutchins	34
Richard Bartlett	25	Mr Clarke	60
John Bartlett	27	Mr Rawson	31
W ^m Titcomb	24	Jos: Cheney	30
Nich: Batt	47	Wydd: Goffe	
Rob ^t Coker	53	Tho: Browne	56
Tho. Dowe	23	W ^m Elnsley	
Rich: Badger	04	Nich. Noyse	06
Hen: Travers	01	Hen: Lunt	49
John Emery	51	Mr Browne	18

* Town of Newbury Records, vol. 1, p. 26.

Hen. Palmer		Mr John Cutting	30
Rich: Kent Senr		Mr Lowle Senr	29
W ^m Palmer		Sam: Plumer	65
Thomas Cromwell		Anth: Morse	54
Sam: Scullard	45	W ^m Morse	11
Tho: Silver		Hen Rolfe	11
Walter Allen		Dan: Thurston	39
Francis Plumer	66	Able Huse	39
Abraham Toppan	20	Jo: Poore	35
John Musslewhite		Jo: Merrill	40
Thos. Haile		Abr. Merrill	36
Tho: Coleman	72	Jo: fits	
Wyddow Browne	19	ferry lott	
Jo: Pike Senr	02	Jo: Indian	61

The house lots were assigned to the persons above named in exchange for land previously granted them at Parker river, and many of the transfers and conveyances were promptly recorded by the town clerk. Some of them, however, were forgotten or overlooked, while others were not presented for approval and registration until several years later: * "William Mors in consideration of his resigning up an house lot in the old town is granted one at the new town joyning to the new street"; † Anthony Mors for the same consideration "is granted an house lot at the new town joyning Cross street"; Joseph Peasle "is granted an house lot in the new town joyning ffish street"; John Knight, "an house lot at the new town joyning South Street"; Samuel Plumer, "an house lot at the new town joyning New Street"; Percivell Lowle, "an house lot at the new town joyning Hill Street"; John Cutting, "an house lot at the new town joyning Hill Street"; Edmund Mooers, "an house lot at the new town joyning South Street"; James Browne, "an house lot at the new town joyning Hill Street"; Henry Lunt, "an house lot at the new town joyning Merrimack Street"; William Stevens, "an house lot at the new town joyning South Street"; Nicholas Noyes, "an house lot at the new town joyning South Street"; Thomas Brown, "an house lot

* "Ould Newbury," p. 94.

† Town of Newbury Proprietors' Records, pp. 56-58, inclusive.

at the new town joyning Cross Street"; Widdow Goff, "an house lot at the new town joyning Hill Street"; Thomas Smith, "an house lot at the new town joyning Merrimack Street"; John Pemberton, "an house lot at the new town joyning Merrimack Street"; John Emery, "an house lot at the new town joyning Cross Street"; Henry Travers, "an house lot at the new town joyning South Street and Merrimack Street"; Richard Badger, "an house lot at the new town joyning South Street"; Thomas Dow, "an house lot at the new town joyning to the way by frogg pond"; Gyles Cromlon, "an house lot at the new town joyning New Street"; Samuel Scullard, "an house lot at the new town in the nine lots"; Anthony Somerby, "an house lot at the new town joyning to Merrimack Street in the nine lots"; Richard fitts, "an house lot at the new town joyning to Merrimack Street in the nine lots"; Richard Littlehale, "an house lot at the new town joyning to Merrimack Street in the nine lots"; Thomas Blumfield, "an house lot at the new town joyning to fish street"; Percivall Lowle, "four acres of land in the Little field"; John Lowle, "four acres of land in the Little field"; Archelaus Woodman, "an house lot joyning to Merrimack Street"; Edward Woodman, "forty acres of land joyning to Merrimack Streete and the way going to the Aspen Swamp"; Abraham Toppan, "four acres of land joyning to Hill Street"; Gyles Badger, "four acres of land joyning to fish Street"; John Fry, "four acres of land joyning to fish Street." *

The commercial advantages of the new settlement were developed and strengthened in many ways. Mr. John Cutting, "shipmaster," removed from the old town to the new town; Mr. Thomas Millward,† who owned a "shallop," came

* Fish street, also called "New Street" and "the way to Watts Sellar" in the early records, is now State street, Newburyport. Cross street, afterward called "Ordway's Lane," is now Market street, Newburyport. Hill street extends from Parker to Pond streets, Newburyport, and still retains its old name. South street is now Parker street, Newbury. And Merrimack street, also called "the country road," is now known as High street (in Newbury and Newburyport), beginning at Parker river and extending to the Three Roads, so called.

† "Thomas Millward, seaman," bought of Stephen Kent of Newbury, March 26, 1645-6, "ten acres of upland as it is situate on Merrimack River."

"Richard fitts of Newbury" sold March 26, 1645-6, "to Thomas Millward, mariner, five acres of upland scituate on Merrimack River."

to Newbury from Cape Ann; and Aquilla Chase, who was evidently a good boatman, came from Hampton.

In 1646, the freeholders of Newbury granted Aquilla Chase four acres of land for a house lot at the new town, and six acres for a planting lot, "on condition that he do goe to sea and do service in the towne with a boate for four years." *

Laid out to Aquilla Chace four acres of land for a house lott, be it more or less, in the new Towne joyning to Henry ffays land on the South West and the street on the South East and the way by Merrimack River on the North East and David Wheelers land on the West.†

The building of houses in the new town and the clearing of land for cultivation progressed rapidly during the summer of 1646, and was continued with unabated vigor the following year.

December 10, 1646. The towne being informed that Mr Thomas Parker was unwilling to act any longer in any matters concerning the new Towne & that Mr Cutting was going to sea, they were apprehensive of the weighty occasions of the towne that are likely to bee retarded, did make choyse of Nicholas Noyes & William Titcomb in their roome to be added to the rest of the new towne men for sixe weeks that so things may with more speed be dispatched. ‡

At the meeting of the eight men December 16, 1646, they made these orders and grants as follows:—

It is ordered that whatsoever land is falne already or hereafter may fall into the townes hands vpon the necke ouer the great River shall perpetually remaine for the townes use to be let out for defraying public charges.

It is ordered that all men that hold land on the necke over the great River shall not sell nor lett out the same for any time whereby it may

Mr. Richard Doyle of Newbury sold March 16, 1645-6, "to Mr. Thomas Millward, mariner, five acres of upland that he bought of William Morse as it is scituate on Merrimack River." Newbury Proprietors' Records, vol. I., p. 43.

* "Ould Newbury," pp. 22, 123, 149.

† Town of Newbury Proprietors' Records, vol. I., p. 67. Aquilla Chase was living in Hampton, N.H., March 7, 1643. He was one of the petitioners to the General Court who asked for a modification of the law regulating military drill in that town. (See New Hampshire Provincial Papers, vol. I., p. 166.)

The house owned and occupied by Aquilla Chase in Newbury was located on the northeasterly corner of Chandler's lane (now Federal street, Newburyport) and the way by Merrimack river, now Water street.

‡ Town of Newbury Records (1637 to 1692), p. 60.

bee alienated from the towne: (this last order was made on this consideration, viz: — because the necke men have consented to yeld to the remoueing of the towne, and accordingly have received satisfaction at the new towne in land, for their land on the necke, and therefore have yelded up their land in the necke to the Towne).

It is ordered that all those that do accept of any lands between the great River and Stephen Duñers farne shall have and hold it on this condition that they goe not about to divide the church, or oppose the first order or agreement about the moveing of the towne.*

On the margin of the page where the above orders are recorded is the following memorandum:—

P'snt at this meeting James Noyes, Edward Woodman, John Lowle, Hen: Short, Rich: Knight, Nich. Noyes, Will Titcomb. These orders were published Decemb: 18th, 1646.

February 7, 1646–7, more than two hundred and fifty acres of upland and marsh "on y^e Iland over the little River" were granted to Richard Kent, jr., by the selectmen, he having, after a long contest, consented to the removal of the town.

FREEHOLDERS.

A person entitled, by grant, purchase, or inheritance, to a share in the common and undivided lands of Newbury was called a freeholder or proprietor. Frequent mention is made of the sale and purchase of freehold rights in the first volume of the Proprietors' Records:—

John Bond acknowledges to have sold to Christopher Bartlet the priviledg of a freehold in the year 1643.†

It was acknowledged by Mr Edward Rawson, Mr Edward Woodman, and Richard Knight, before the three Townsmen, Febr 20, 1649, being John Sanders, William Titcomb & Archelaus Woodman, that the hous lot that Richard Bartlet bought of Mr William Thomas, was acknowledged to have the priviledg of a freehold altho' it was not sett downe in the list of the freeholders they all acknowledged that it was forgott and accordingly gave me order to record it.

Witness, ANTHONY SOMERBY, *Recorder*.‡

* Town of Newbury Records, 1637 to 1693, p. 60.

† Town of Newbury, Proprietors' Records, vol. I., p. 33.

‡ Ibid., vol. I., p. 33.

March 1, 1651, a committee was chosen, consisting of the selectmen, "three commissioners for small causes," and Richard Knight, to settle all claims arising from the sale or purchase of freehold rights. The committee reported:—

These persons heer under mentioned are acknowledged to be freeholders and to have an interest in all commons belonging to the Towne as having lawfully purchased their priviledges from such as had the priviledges estated on them by the Towne.

Capt Gerrish hath a freehold from Mr. Rawson.*

William Hilton from Mattox (sold to John Wright).

James Jackman from Giles Abbots.

John Tilletson from Nath Wyers.

Samuel Plumer from one of John Lowls.

William Ilsley from William Whites.

Hugh March from George Browns.

Christopher Bartlet from John Bond one wch Stephen Greenleaf hath.

Richard Thurlo from Mr Clarks.

John Chater from Henry Palmers.

George Little hath John Osgoods.

Henry Jaques from Walter Allens.

Mr Woodman from John Pembertons.

Richard Petengall from Mr Thomas.

Stephen Swet from John fry.

Joseph Plumer from John Kelly.

Edmund Moers from John Stevens.

Richard Browne from Giles Badger. *

Edmund Moers hath Richard Brownes.

John Wheeler was acknowledged to have a priviledg, and also Danie Wheeler and Aquilla Chase & Nathaniel Merrill.

Stephen Greenleaf from William ffracnkling sold now to John Webster.

John Bayley from Joseph Peasly.

John Bayley another from W^m Ilsley.

William Titcomb besides his owne hath Mr James Brownes.

Richard Bartlet besides his owne hath Mr Henry Sewall Junr.

George Little hath the other of Mr John Lowls freeholds.

John Bartlet besides his owne hath Samuel Guiles.

William Moody hath John Gofts.

* "At a legall meeting of the Towne March 3, 1661-2 Capt. William Gerrish produced a deede of the purchas of Mr Rawsons farm & freehold in Newbury and the Towne Granted the said Capt. Gerrish to be recorded a freeholder uppon the said Purchas in all the Towns Comons belonging to Newbury.
per ANTHONY SOMERBY, Clerke."

— Newbury Proprieturs' Records, vol. I., p. 49.

Mr Sewals little farme hath for pembedtons house from Mr Woodmans Priviledge Amos Stickny.

Widdow Keyes on Richard Badger.

John Bishop besides the Mill Lott hath Samuel Scullards Priviledg.

John Emery Jnr hath Daniel Peirces.

Mr. Coffin hath Mr Snellings.

Wm Chandler hath William Berries.

Benjamin Rolfe from Nathaniel Badger.

Richard Dole from Mr Greenleaf.

Edward Richardson purchased Nathaniel Wyres ffreehold of John Tilletson.

Feb. 23, 1653 James Browne from his Grandfather Mr Cuttings freehold.

Robert Long for four acres of dividend land and four acres which he purchased of Capt. Gerrish, bought of the towns men the right & privilege of a freehold.*

The towns men with the rest of the Committee above said, meeting January the 10th 1652 about their comission found that all inhabitants was freeholders according to towne order except those whose names are here under written and these also the committee according to their power do order that they may purchase the priveledge of Commonage, each man Conditionally; every man do either lay eight akers of divident land to the Comon which they may do by purchase or else pay fifty shillings to the townsmen to purchase such land for the towns use, and no other person upon any Condition whatsoever.

John Knight Jun.

William Sawyer

Robert Longe

William Morse

Edward Richardson

Robert Rogers hath purchased

Nath. Wyres of John Tilletson

Robert Morse

Henry ffay

Robert Adams

Francis Ordway hath not of his

owne but at pr'sent he hath one he buyes of John Bartlet

John Hall

Joseph Downer hath his father John Knights freehold

William Randall

William Mitchil

William Trotter

} hath not liberty to purchase

Edward Woodman hath Thomas Davis freehold

John Knight Junr hath purchased Richard Littlehale freehold as by a bill of sale appears Novemb: 23.†

Edward Rawson and Anthony Somerby in an affidavit dated August 18, 1654, state that Richard Bartlet, senior, of

* Newbury Proprietors' Records, vol. 1., p. 45.

† Town of Newbury Records, vol. 1.

Newbury, "in consideration of a certain number of bushels of corne in hand paid and received & for ten bushels a year during his natural life," sold and conveyed to his son Richard Bartlet "his freehold & four acre lot at new towne, six acres of marsh land & five acres meadow land near the ox comon, & seven acres dividend land in the year 1646." The deed being lost, this affidavit was signed and acknowledged on the day above named, and afterwards recorded in the Registry of Deeds.*

March 3, 1661 laid out for Mr Henry Sewall for the two freeholds he doth enjoy, one was for his fathers and the other was Mr Edward Woodmans, ten acres of Marshland being the ninth and tenth lots &c.*

Mr. Henry Sewall acknowledged unto me, January 3, 1683, to have given his son John Sewall his freehold Priviledg of Comon wch he purchased of Mr. Woodman.

ANTHONY SOMERBY

*Cler for Newbury.**

The same day Mr Henry Sewall acknowledged to have given his son Stephen Sewall the freehold of Comon which was granted to his father, Henry Sewall deceased.†

David Wheeler, of Rowley, planter, for twenty-eight pounds sold to Caleb Moody of Newbury, maltster, all his common right or freehold belonging to the house lot "lying near to Watts his seller in Newbury," conditionally, upon the payment of fourteen pounds to the said Caleb Moody before April 1, 1675. The bill of sale, dated February 13, 1672, to be void and of no effect, if the said fourteen pounds is paid.‡

FREEMEN.

The charter granted "The Governor and Company of the Massachusetts Bay in New England" in 1629 provided for the organization of the company and the orderly management of its affairs, "for the imposition of lawful fines, mulcts, imprisonment, or other lawful correction, according to the course of other Corporations § in this our realm of England," and

* Essex Deeds (Ipswich Series), vol. I., p. 184 (500).

† Town of Newbury Proprietors' Records, p. 66. § Ibid., vol. I.

§ The charter evidently conveyed the rights, privileges, and powers granted to other corporations, organized and governed in England, but did not expressly confer upon the company the right to transfer its government to New England, to levy taxes, organize towns, or establish courts of justice there.

conferred upon the governor, deputy governor, and their assistants power and authority to choose or appoint such persons "as they shall think fit" to be freemen of the company, to aid and assist in making "laws and ordinances for the good and welfare of said company, . . . not contrary or repugnant to the laws and statutes of this our realm of England."

At a meeting of the officers and freemen of the company held in London October 29, 1629, it was voted to transfer the government and control of the company to New England.

The first Court of Assistants was held August 23, 1630, at Charlestown. The first session of the General Court was held October 19, 1630, at Boston. The law-making power was intrusted by the charter to the freemen, who were to meet four times each year to decide, by a majority vote, all questions relating to public affairs. The governor, deputy governor, and assistants, constituted a majority, if not all, of the members who were present at the first session of the General Court. They passed an order "for the establishing of the government" limiting the power and authority of the freemen, and giving to the assistants the exclusive right or elect a governor and deputy governor, "who, with the assistants, should have the power of making laws and choosing officers to execute the same." No one was made a freeman at this session of the court, although one hundred and nine persons applied for admission.*

May 18, 1631, the General Court ordered that "no man shalbee admitted to the freedome of this body polliticke but such as are members of some of the churches within the lymitts of the same." †

At this session one hundred and sixteen persons, including most of those who applied in October, 1630, took the oath, and were admitted as freemen.

May 9, 1632, the order adopted October 19, 1630, in regard to the election of officers was modified and made acceptable to the people by an agreement that the governor and

* Massachusetts Colony Records, vol. I, pp. 79, 80.

† Ibid., vol. I, p. 87.

deputy governor should, after that date, be chosen by the freemen, and not by the assistants.*

May 14, 1634, it was voted that "none but the General Court hath power to chuse and admitt ffreemen"; † and September 3, 1635, all questions relating to the admission of inhabitants, or to the granting and laying out of house lots in towns, were, by order of the General Court, referred to the freemen of the several towns for settlement.‡

March 3, 1635-6, the General Court ordered "that noe p'son, being a member of any churche which shall hereafter be gathered without the approbation of the Magistrates & the greater p'te of the said churches, shalbe admitted to the ffreedom of this comonwealthe." §

After March 9, 1636-7, every military officer or civilian holding a position of honor or trust was compelled to take the oath of a freeman; "for it is the intent and order of the court that no person shall henceforth be chosen to any office in the Commonwealth but such as is a freeman." ||

In answer to a petition presented by the inhabitants of the county of Middlesex, the General Court ordered, May 31, 1660, "that no man whosoeuer shall be admitted to the freedom of this body politic but such as are members of some church of Christ, and in full com'nion, w^{ch} they declare to be y^e true intent of y^e annient lawe enacted May 18, 1631." ¶

King Charles II., in a letter to the General Court dated June 28, 1662, objected to the arbitrary provisions of this law. It was repealed August 3, 1664, and a new one enacted, admitting to the freedom of the Commonwealth, by a majority vote of the members of the General Court, all Englishmen presenting a certificate from the minister of the place where they dwell "that they are orthodox in religion & not vitious in their liues," and also a certificate from the selectmen that they are freeholders and pay a tax of ten shillings, or more, annually.* *

Col. Richard Nicolls, Sir Robert Carr, George Cartwright, Esq., and Samuel Maverick, Esq., commissioners sent by the

* Massachusetts Colony Records, vol. I., p. 95. † Ibid., vol. I., p. 117. ‡ Ibid., vol. I., p. 161. § Ibid., vol. I., p. 168. || Ibid., vol. I., p. 188. ¶ Ibid., vol. IV., part I., p. 420.
* * Ibid., vol. IV., part II., p. 117.

king to confer with the colonial authorities in regard to alleged abuses in the administration of government in New England, endeavored to secure a modification of this law, and especially the tax qualification which they severely criticised and denounced. In a communication addressed to the General Court they state their objections to the law, and say:—

When the King shall be enformed, as the trueth is, that not one church member in an hundred payes so much & y^t in a towne of an hundred inhabitants scarce three such men are to be found, wee feare the King will rather finde himself deluded than satisfied by your late act. Though you commend, to the ministry & people, the record of the Lord for their rule, yet you did it with a provisoe that they have the approbation of the Court as appears in the same page; and wee have great reason both to thinke & say that the King & his council & the church of England, vnderstands & follows the rules in Gods word as much as their corporation.*

A few months before the above protest was presented by the commissioners the county courts were authorized, October 19, 1664, to administer the freeman's oath to any person approved by the General Court.† After a long delay and a somewhat acrimonious discussion the commissioners returned to England. The king was occupied with political troubles and dissensions at home, and for many years paid but little attention to colonial affairs.

The law remained in force, notwithstanding the serious objections raised against it, until the charter of the colony was annulled, October 23, 1684.

A LIST OF THE FREEMEN OF NEWBURY.

As the residence of the freemen is not always given in the records, it is possible that some names that should appear in the following list have been overlooked.

<i>Name.</i>	<i>Admitted.</i>	<i>Mass. Colony Records.</i>
. Francis Plumer.	May 14, 1634.	Vol. i., pp. 368, 369.
. Thomas Hale.	May 14, 1634.	Vol. i., pp. 368, 369.
John Eales.	May 14, 1634.	Vol. i., pp. 368, 369.

* Massachusetts Colony Records, vol. iv., part II., p. 305.

† Ibid., vol. iv., part I., p. 134.

John Parker
1 Apr 71

He R 5, 300
John Kimball
13 May 164
94 3-

THE SETTLEMENT AT MERRIMACK RIVER

99

<i>Name.</i>	<i>Admitted.</i>	<i>Mass. Colony Records.</i>
Christopher Hussey.	May 14, 1634.	Vol. i., pp. 368, 369.
Mr John Spencer.	Sept. 3, 1634.	Vol. i., pp. 369, 370.
Henry Shorte.	Sept. 3, 1634.	Vol. i., pp. 369, 370.
Phillip Fowler.	Sept. 3, 1634.	Vol. i., pp. 369, 370.
Mr Tho: Parker.	Sept. 3, 1634.	Vol. i., pp. 369, 370.
Mr Nicholas Easton.	Sept. 3, 1634.	Vol. i., pp. 369, 370.
Mr James Noise.	Sept. 3, 1634.	Vol. i., pp. 369, 370.
John Webster.) p. 43	March 4, 1634-5.	Vol. i., p. 370.
Rich: Kent.	March 4, 1634-5.	Vol. i., p. 370.
John Clerke.	May 6, 1635.	Vol. i., pp. 370, 371.
Rich Browne.	May 6, 1635.	Vol. i., pp. 370, 371.
Willm Moody.	May 6, 1635.	Vol. i., pp. 370, 371.
Mr Steven Batchelr	May 6, 1635.	Vol. i., pp. 370, 371.
Willm Mosse.	March 3, 1635-6.	Vol. i., p. 371.
Richrd Knight.	May 25, 1636.	Vol. i., p. 371.
Anthony Mosse.	May 25, 1636.	Vol. i., p. 371.
John Saunders.	May 25, 1636.	Vol. i., p. 371.
James Browne.	May 25, 1636.	Vol. i., p. 371.
Edmond Marshall.	May 17, 1637.	Vol. i., p. 373.
Henry Seawall, Junior.	May 17, 1637.	Vol. i., p. 373.
Thomas Smythe.	May 17, 1637.	Vol. i., p. 373.
Nicolas Holt.	May 17, 1637.	Vol. i., p. 373.
Nicolas Noise.	May 17, 1637.	Vol. i., p. 373.
Archelaus Woodman.	May 17, 1637.	Vol. i., p. 373.
James Browne.	May 17, 1637.	Vol. i., p. 373.
John Bartlet.	May 17, 1637.	Vol. i., p. 373.
Robert Pike.	May 17, 1637.	Vol. i., p. 373.
Thomas Coleman.	May 17, 1637.	Vol. i., p. 373.
John Cheney.	May 17, 1637.	Vol. i., p. 373.
Edward Rawson.	March, 1637-8.	Vol. i., p. 374.
(Daniell Peirce. p. 43)	May 2, 1638.	Vol. i., p. 374.
Abraham Tappin.	May 2, 1638.	Vol. i., p. 374.
Henry Lunt.	May 2, 1638.	Vol. i., p. 374.
Thomas Hale.	Sept. 7, 1638.	Vol. i., p. 374.
Richrd Singletery.	Sept. 7, 1638.	Vol. i., p. 374.
Christopher Batte.	March 13, 1638-9.	Vol. i., p. 375.
Edmond Greenliffe.	March 13, 1638-9.	Vol. i., p. 375.
Thomas Moulton.	March 13, 1638-9.	Vol. i., p. 375.
Steven Dummer	May 22, 1639.	Vol. i., p. 375.
John Osgood.	May 22, 1639.	Vol. i., p. 375.
John Goffe.	May 22, 1639.	Vol. i., p. 375.
John Mussellwhit.	May 22, 1639.	Vol. i., p. 375.
Steven Kent.	May 22, 1639.	Vol. i., p. 375.
John Rimington.)	May 22, 1639.	Vol. i., p. 375.

James Purmer
100

HISTORY OF NEWBURY

<i>Name.</i>	<i>Admitted.</i>	<i>Mass. Colony Records.</i>
• Thomas Browne.	May 22, 1639.	Vol. i., p. 375.
John Moulton.	May 22, 1639.	Vol. i., p. 375.
• John Clarke.	May 22, 1639.	Vol. i., p. 375.
John Roffe.	Sept. 6, 1639.	Vol. i., p. 376.
Anthony Sadler.	Sept. 6, 1639.	Vol. i., p. 376.
Thomas Masie.	Sept. 6, 1639.	Vol. i., p. 376.
John Oliver.)	May 13, 1640.	Vol. i., p. 376.
John Saunders.	May 13, 1640.	Vol. i., p. 376.
John Lowell.	June 2, 1641.	Vol. i., p. 378.
• Thom: Davies.	June 2, 1641.	Vol. i., p. 378.
• John Emery.	June 2, 1641.	Vol. i., p. 378.
Samu: Plumier.	June 2, 1641.	Vol. i., p. 378.
John March.	May 18, 1642.	Vol. ii., p. 291.
Rich'd Knight.	May 18, 1642.	Vol. ii., p. 291.
John Cooper.	May 18, 1642.	Vol. ii., p. 291.
• John Stevens.	May 18, 1642.	Vol. ii., p. 291.
(Willi: Stevens.	May 18, 1642.	Vol. ii., p. 291.
• Antho: Sommersbey.	May 18, 1642.	Vol. ii., p. 291.
• Henry Sommersbey.	May 18, 1642.	Vol. ii., p. 291.
• William Berry.	May 18, 1642.	Vol. ii., p. 291.
• Samu: Guil.	May 18, 1642.	Vol. ii., p. 291.
• Abell Hews.	May 18, 1642.	Vol. ii., p. 291.
William Gerrish.	July 9, 1645.	<i>Salem Court Records.</i> Book II., leaf 174.
Christopher Bartlet.	Sept. 29, 1646.	<i>Ipswich Court Records</i> Book I., leaf 4.
John Pore.	March 28, 1648.	Book I., leaf 11.
John Saunders.	May 22, 1650.	<i>Mass. Colony Records.</i> Vol. iv., part I., p. 45.
Tho: Milward.	Sept. 7, 1650.	<i>Ipswich Court Records</i> Book I., leaf 21.
John Knight.	Sept. 7, 1650.	Book I., leaf 21.
Ben: Swet.	Sept. 7, 1650.	Book I., leaf 21.
John Chatter (Cheater?).	March 25, 1651.	Book I., leaf 23.
William Hilton.	May 18, 1653.	<i>Mass. Colony Records.</i> Vol. iv., part I., p. 46c
John Kent.	May 3, 1654.	Vol. iv., part I., p. 46c
Nath: Weare, Senior.	March 28, 1654.	<i>Ipswich Court Records</i> Book I., leaf 44.
Rich: Dole.	March 28, 1654.	Book I., leaf 44.
John Emery, Jr.	March 28, 1654.	Book I., leaf 44.
Rich: Bartlett.	March 28, 1654.	Book I., leaf 44.
Will: Bartlett.	March 28, 1654.	Book I., leaf 44.
Will: Cottell.	March 28, 1654.	Book I., leaf 44.

(in Thomas)

<i>Name.</i>	<i>Admitted.</i>	<i>Ipswich Court Records.</i>
Tho: Bloomfield.	March 28, 1654.	Book I., leaf 44.
Tho Scers.	March 28, 1654.	Book I., leaf 44.
Will: Chandlour.	March 28, 1654.	Book I., leaf 44.
John Davis.	March 28, 1657.	Book I., leaf 44.
Joseph Noyes.	March 31, 1657.	Book I., leaf 59.
Joseph Muzzey.	March 31, 1657.	Book I., leaf 59.
John Webster.	Sept. 29, 1657.	Book I., leaf 63.
Tho: Hale.	Sept. 28, 1658.	Book I., leaf 69.
John Allen.	March 29, 1659.	Book I., leaf 72.
Solomon Keyes.	March 29, 1659.	Book I., leaf 72.
Robert Addams.	March 27, 1660.	Book I., leaf 84.
Abraham Merrill.	Sept. 30, 1662.	Book I., leaf 109.
<i>Mass. Colony Records.</i>		
Dani: Pearse.	May 27, 1663.	Vol. iv., part II., p. 581.
Shubal Dumer.	May 3, 1665.	Vol. iv., part II., p. 582.
Samuel Moody.	May 23, 1666.	Vol. iv., part II., p. 582.
Caleb Moody.	May 23, 1666.	Vol. iv., part II., p. 582.
Wm Peelsbury.*	April 29, 1668.	Vol. iv., part II., p. 583.
James Ordaway.*	April 29, 1668.	Vol. iv., part II., p. 583.
Nath: Clarke.*	April 29, 1668.	Vol. iv., part II., p. 583.
Tristram Coffin.†	April 29, 1668.	Vol. iv., part II., p. 583.
James Kent. ‡	May 19, 1669.	Vol. iv., part II., p. 583.
Jno Kent.	May 19, 1669.	Vol. iv., part II., p. 583.
Jno Bartlet, Jun.	May 19, 1669.	Vol. iv., part II., p. 583.
Jno Wells.	May 19, 1669.	Vol. iv., part II., p. 583.
Abiel Somersby. ‡	May 19, 1669.	Vol. iv., part II., p. 583.
Henry Jacquish. ‡	May 19, 1669.	Vol. iv., part II., p. 583.

* William Pillsbury, James Ordway, and Nathaniel Clarke, "church members of Newbury, desire ye priveledge to be made freemen." "Attest, Henry Sewall." Admitted May 14, 1668. (Massachusetts Archives, vol. cvi., p. 485.)

"Wm Pillsbury took the oath of a freeman Sept. 29, 1668." (Ipswich Court Records, book II., leaf 79.)

James Ordway was sworn before Robert Pike, commissioner, February 26, 1668-9. (Nolfolk Deeds, book II., p. 143.)

† "To the Honored Gov. Deputy Gov. Magistrates & Deputyes in Generall Court assembled the 29 of April 1668.

"We hereby certify that Tristram Coffin is an Orthodox member of the church of Newbury and a householder in all respects qualified for admission to the freedom of this jurisdiction as the Law directeth.

"I judge the foresaid Tristram Coffin to be orthodox, and he also is a member of our church.

THOMAS PARKER.

"Admitted to freedom

" 23. 3^{mo} 68

"E. R[awson] S[ecretary]

"RICHARD KENT.

"RICHARD DOLE.

"JOHN KNIGHT.

"DANIEL FIERCE."

— Massachusetts Archives, vol. cvi., p. 487.

‡ James Kent, Abiell Somerby, and Henry Jaquis admitted to be freemen by the general Court took the freeman's oath April 18, 1671 at the Ipswich Court." (Book II., leaf 142.)

"To the Honoured Court: Wee the selectmen of Newbury according to law do present

<i>Name.</i>	<i>Admitted.</i>	<i>Mass. Colony Records.</i>
Benja: Lowell.	May 19, 1669.	Vol. iv., part II., p. 583.
John Bayley.*	May 19, 1669.	Vol. iv., part II., p. 583.
Joseph Plumer.†	May 11, 1670.	Vol. iv., part II., p. 584.
Benj: Rolfe.†	May 11, 1670.	Vol. iv., part II., p. 584.
John Poore Jun.†	May 11, 1670.	Vol. iv., part II., p. 584.
Franc: Thurlo.†	May 11, 1670.	Vol. iv., part II., p. 584.
Nicho: Batt.†	May 11, 1670.	Vol. iv., part II., p. 584.
Job Pilsbury.†	May 11, 1670.	Vol. iv., part II., p. 584.
Paul White.	May 31, 1671.	Vol. iv., part II., p. 585.
Tho: Noyes.	May 31, 1671.	Vol. iv., part II., p. 585.
Jonathan Morse.	May 31, 1671.	Vol. iv., part II., p. 585.
James Smith.	May 31, 1671.	Vol. iv., part II., p. 585.
John Smith.	May 31, 1671.	Vol. iv., part II., p. 585.
John Knight, Jun.	May 31, 1671.	Vol. iv., part II., p. 585.
Mr. Joseph Gerrish.	May 7, 1673.	Vol. iv., part II., p. 586.
Elisha Elsie (Hsley?)	May 7, 1673.	Vol. iv., part II., p. 586.
James Bayley.	May 7, 1673.	Vol. iv., part II., p. 586.
Dani: Cheny.	May 7, 1673.	Vol. iv., part II., p. 586.
Joseph Browne.†	May 7, 1673.	Vol. iv., part II., p. 586.
Sam: Poore.	May 7, 1673.	Vol. iv., part II., p. 586.
Moses Pilsbury.	May 7, 1673.	Vol. iv., part II., p. 586.
Benja: Morse.	May 7, 1673.	Vol. iv., part II., p. 586.
Sam: Bartlet.	May 7, 1673.	Vol. iv., part II., p. 586.
John Noyes.†	Jan. 9, 1673-4.	Vol. iv., part II., p. 587.
Cutting Noyes.†	Jan. 9, 1673-4.	Vol. iv., part II., p. 587.
John Lunt.†	Jan. 9, 1673-4.	Vol. iv., part II., p. 587.
Abra: Adams.†	Jan. 9, 1673-4.	Vol. iv., part II., p. 587.
John Badger.†	Jan. 9, 1673-4.	Vol. iv., part II., p. 587.
Joseph Gerrish.†	Jan. 9, 1673-4.	Vol. iv., part II., p. 587.

Henry Jacquish, John Kelly, Benjamin Rolfe [. . .] being in full communion with the church in Newbury And Orthodox in Religion, Desire to be made free

" RICHARD DOLE.

" 6th May '69.

" JOHN KNIGHT.

" Allowed June 2, 1669.

" TRISTRAM COFFIN."

— Massachusetts Archives, vol. cvi., leaf 490.

* John Bayley, Benjamin Lowell, John Wells and John Bartlet, jr., took the oath before Robert Pike, commissioner, October 2, 1669. (Norfolk Deeds, book II., leaf 143.)

" To the honored Court: John Bayley an Ancient inhabitant and member in full communion with the church of Newbury desires admission to the freedom of this jurisdiction.

" That John Bayley is as above exprest is attested by me

" MAY 22, 1669."

" JOSEPH HILLS.

— Massachusetts Archives, vol. cvi., leaf 489.

† " Benjamin Rolfe, John Poore, Jun, frances Thurlay, Nicholas Batt, Job Pilsbury & Samuel (?) Plumer of Newbury being returned by the Secretary took the oath of freeman, Sept. 27, 1670." (Ipswich Court Records, book II., leaf 125.)

‡ " Jno Badger, Jno Lunt, John Noyes, Cuting Noyes, Jos Gerrish, Jos Browne of Newbury being admitted to the freedom this colony took the freemans oath March 31, 1674." (Ipswich Court Records, book II., leaf 240.)

<i>Name.</i>	<i>Admitted.</i>	<i>Mass. Colony Records.</i>
John Sewall.	May 12, 1675.	Vol. v., p. 536.
John Richardson.	May 12, 1675.	Vol. v., p. 536.
Sam: Sayer.	May 12, 1675.	Vol. v., p. 536.
Benja ^s Morse.	May 12, 1675.	Vol. v., p. 536.
		<i>Ipswich Court Records.</i>
Tho: Wells.	Sept. 28, 1675.	Book II., leaf 271.
Joseph Morse.	Sept. 28, 1675.	Book II., leaf 271.
		<i>Mass. Colony Records.</i>
Rich. Dumer Jun.*	May 23, 1677.	Vol. v., p. 537.
Hen: Short.*	May 23, 1677.	Vol. v., p. 537.
Steph: Greenleaf.	May 23, 1677.	Vol. v., p. 537.
Jacob Topan.*	May 23, 1677.	Vol. v., p. 537.
Rich: Bartlet, Jun.*	May 23, 1677.	Vol. v., p. 537.
Jno: Dole.	Oct. 15, 1679.	Vol. v., p. 539.
		<i>Ipswich Court Records.</i>
John Sewall.	April 15, 1679.	Book II., leaf 340.
Charles Annis.	April 15, 1679.	Book II., leaf 340.
John Pengitta (Pettingell?)	April 15, 1679.	Book II., leaf 340.
Caleb Boynton.	March 29, 1681.	Book II., leaf 362.
		<i>Mass. Colony Records.</i>
Daniel Lunt.	Feb. 7, 1682-3.	Vol. v., p. 541.
Daniel Merrill.	Feb. 7, 1682-3.	Vol. v., p. 541.
Wm. Moody.	Feb. 7, 1682-3.	Vol. v., p. 541.
George March.	May 16, 1683.	Vol. v., p. 542.
Joseph Knight.†	Feb. 13, 1683-4.	Vol. v., p. 542.
Tymothy Noys.	Feb. 13, 1683-4.	Vol. v., p. 542.
James Jackman.	Feb. 13, 1683-4.	Vol. v., p. 542.
W ^m Elsly.†	Feb. 13, 1683-4.	Vol. v., p. 542.
Dane! Merrill.	May 7, 1684.	Vol. v., p. 542.
Jno Bartlet.	May 7, 1684.	Vol. v., p. 542.

COMMISSIONERS TO END SMALL CAUSES.

May 6, 1646, the General Court adopted the following order: "Mr. Edw^d Rawson, M^r Woodman, & Hen: Shorte, whom Newbu^y have chosen to be ord^rs of their affaires, are authorized to end small causes;"† and the next year, under the date of May 26, 1647, "Mr. James Browne, Mr. John

*"Jacob Topan, Rich: Bartlet Rich: Dumer Jun and Henry Short took the freemens oath March 26, 1678." (Ipswich Court Records, book II., leaf 300).

†"Joseph Knight, William Ellaly & John Gilbert (?) of Newbury being by the certificate from ye secretary allowed to be freemen, took ye oath March 25, 1684" (Ipswich Court Records book III., leaf 22)

‡ Massachusetts Colony Records, vol. II., p. 148.

Lowle, & Henry Shorte" were appointed to end small causes at Newbury.*

Subsequently the county courts and Court of Assistants were authorized to license the commissioners for small causes "wth clarks of y^e writs." †

April 27, 1648, "Mr James Browne, Mr William Gerrish & William Titcombe" were chosen by the inhabitants of Newbury "for the ending of small causes in this town for this year." ‡

At a general town meeting held April 19, 1649, "Mr William Gerrish, Mr Woodman, & John Pike were chosen to end small causes in this towne for the year ensuing." ‡

May 23, 1650, "vppon the request of the towne of Newberry, Edward Woodman, William Gerrish & Richard Kent are appoynted to end small causes there according to law." §

At the county court held in Ipswich March 25, 1651, William Gerrish and John Pike, jr., appeared, and were sworn "commissioners to end small causes at Newberry." Mr. Edward Woodman was also named commissioner, but was not sworn at that date. ||

March 29, 1653, "Capt. Gerrish sworn commissioner to end small causes in Newbury." ¶

"March 28, 1654, Cap^t Gerrish, Nicholas Noyes, and John Pike were sworn commissioners to end small causes in Newberry." **

"March 27, 1655, William Tittcum and Harchales Woodman sworn commissioners for Newbury." ††

March 25, 1656, Edward Woodman, Nicolas Noyce, and John Pike sworn commissioners to end small causes in Newbury. ‡‡

November 26, 1656, Capt. William Gerrish sworn commissioner, etc., for Newbury." §§

* Massachusetts Colony Records, vol. ii., p. 191.

John Lowell died June 29, 1647. "Sept. 28, 1647 John Saunders appointed to be in the room of Mr Lole to end small causes at Newberry." (Ipswich Court Files, vol. i., p. 10.)

† Massachusetts Colony Records, vol. ii., p. 188.

‡ Town of Newbury Records, vol. i.

§ Massachusetts Colony Records, vol. iii., p. 194.

|| Ipswich Court Records, vol. i., p. 23.

¶ Ibid., vol. i., p. 49.

‡‡ Ibid., vol. i., p. 55.

§§ Salem Court Records, vol. iv., p. 20.

¶ Ibid., vol. i., p. 32.

** Ibid., vol. i., p. 44.

March 31, 1657, Nicholas Noyse and John Pike sworn commissioners for Newbury.*

March 27, 1659, Mr. Nicolas Noyse sworn commissioner, etc., for Newbury.†

September 25, 1660, Mr. Edward Woodman, Capt. William Gerrish, and Lieut. John Pike sworn commissioners, etc., for the year ensuing.‡

March 26, 1661, Capt. William Gerrish sworn commissioner to end small causes at Newbury.§

March 25, 1662, Capt. William Gerrish and Mr. Edward Woodman and Nicolas Noyse, chosen to end small causes at Newbury.

Capt. Gerrish and Nicholas Noyse sworn.||

March 7, 1663, "M^r Woodman, Cap^t Gerrish & Nicholas Noyes chosen commissioners for small causes for the year ensuing."¶

March 6, 1664-5, Mr. [Edward] Woodman, Capt. [William] Gerrish, and Nicholas Noyes were chosen.**

March 5, 1665-6, Capt. [William] Gerrish, Mr. [Joseph] Hills, and Nicholas Noyes chosen.**

March 4, 1666-7, Capt. [William] Gerrish, Mr. [Joseph] Hills, and Nicholas Noyes chosen.**

March 2, 1667-8, Capt. [William] Gerrish, Mr. [Joseph] Hills, and Nicholas Noyes chosen.**

March 1, 1668-9, Capt. Gerrish, Mr. Hills, and Nicholas Noyes chosen.**

March 7, 1669-70, Mr. Woodman, Mr. Dumer, and William Titcomb chosen.**

September 19, 1670, "M^r Rich: Dumer, M^r Edw: Woodman, & Will. Titcomb nominated as commissioners to be appointed by the county court."**

March 6, 1670-71, Archelaus Woodman, William Titcomb, and Samuel Plumer chosen commissioners for small causes, to be approved by the county court.**

March 4, 1671-2, Mr. Richard Dumer, sr., Lieut. Archelaus Woodman, and William Titcomb, nominated as commissioners of small causes to the county court.**

* Ipswich Court Records, vol. i., p. 59. † Ibid., vol. i., p. 76. ‡ Ibid., vol. i., p. 88.
§ Ibid., vol. i., p. 93. || Ibid., vol. i., p. 108.

¶ Town of Newbury Records. ** Ibid., vol. i.

March 3, 1672-3, Capt. Gerrish, Nicholas Noyes, and Lieut. Woodman were nominated commissioners.*

March 2, 1673-4, Capt. Gerrish, Lieut. Woodman, and Nicholas Noyes were nominated commissioners.*

March 1, 1674-5, Capt. Gerrish, Lieut. Woodman, and Nicholas Noyes were nominated commissioners.*

March 6, 1675-6, Capt. Gerrish, Nicholas Noyes, and Lieut. Archelaus Woodman were nominated commissioners.*

March 5, 1676-7, Mr. John Woodbridge, Nicholas Noyes, and Daniel Peirce, jr., were nominated commissioners.*

March 27, 1677, Mr. John Woodbridge, Nicholas Noyes, and Daniel Pearce, jr., are allowed to be commissioners to end small causes at Newbury.†

Salem, 29: 9: 1681 This court receiving a motion of the Constable of Newbury for persons to be allowed for commissioners of small causes in that towne, the Court doth appoint Capt Daniell Pearce, Mr Nicholas Noyes & Sergt Tristram Coffin to be commissioners in said causes according to law for this year, they taking the oath appointed by the general court before any magistrate. ‡

March 16, 1685-6, Capt. Daniell Peirce, Lieut. Stephen Greenleaf, sr., and Capt. Thomas Noyes were nominated as commissioners for small causes.§

SPECIAL MAGISTRATES.

May 19, 1669, the General Court appointed special magistrates for the towns of Dover and Portsmouth, to try criminal cases, take testimony on oath, swear constables, take acknowledgments of deeds, and officiate at marriages. The same day Capt. Nathaniel Saltonstall of Haverhill, Capt. Robert Pike of Salisbury, and Mr. Samuel Dalton of Hampton were authorized to do "within their respective townes where they liue & not elsewhere, whateuer any magistrate may legally doe" ||

* Town of Newbury Records.

† Ipswich Court Records, vol. II, p. 287.

‡ Salem Court Records, vol. I, p. 24.

§ Town of Newbury Records.

|| Massachusetts Colony Records, vol. IV., part I., p. 424.

Twelve months later the selectmen of Newbury presented the following petition to the General Court, dated May 11, 1670:—

To ye Honorable Generall Court assembled at Boston.

The Humble request of the Selectmen at Newbury is that inasmuch as their Towne is remote from any Towne where a magistrate dwells; that Mr Woodman may be Impowrd with Magisteriall powr in this Towne as other Townes have to the Eastward.

JOHN BARTLET.
WILLIAM CHANDLER.
EDM. MORSE.
SAM. PLUMER.
CALEB MOODY.*

The indorsement on this petition indicates that it failed to receive the approval of the General Court: "The deputies consent"; "the magistrates consent not."

June 1, 1677, Mr. John Woodbridge, sr., was authorized by the General Court to take acknowledgments of deeds and serve as magistrate in the town of Newbury for the year ensuing; and this appointment was renewed May 9, 1678, for one year.†

May 28, 1679, Mr. John Woodbridge's commission as magistrate for Newbury was again renewed; and he was also appointed, at the same time, one of the associate magistrates for the county of Essex for the year ensuing.‡

May 26, 1680, the appointment of Mr. Woodbridge was again brought to the attention of the General Court. The magistrates adopted the following order:—

This court considering the remoteness of Newbury from any authority to act as a magistrate & the benefit that they, by their information, have found in the help they have had by Mr Jno. Woodbridge being invested with magistraticall authority do hereby renew his said commission. §

The deputies declined to concur with the magistrates in the adoption of this order, and the office remained vacant during the year 1680.

* Massachusetts Archives, vol. xxxix., p. 376.

† Massachusetts Colony Records, vol. v., pp. 145 and 187.

‡ Massachusetts Archives, vol. xxxix., leaf 659.

§ Ibid., vol. v., p. 226.

At a legal meeting of the inhabitants of Newbury, held October 19, 1681, it was voted that the name of Mr. John Woodbridge should again be presented to the General Court, and "that the selectmen, in behalf of the town, should petition the Court for granting him magistratical powers." *

October 11, 1681, John Richardson, Daniel Poore, Richard Dummer, Tristram Coffin, Caleb Moody, Thomas Noyes, Anthony Somerby, Francis Brown, and other inhabitants of the town of Newbury petitioned the General Court for the appointment of John Woodbridge as magistrate, to take depositions and acknowledgments, and also to have authority to reform abuses and solemnize marriages. "In consequence of the largeness of the town and the frequent concours of vessels," they consider the appointment of a special magistrate necessary, and recommend "Mr. John Woodbridge as ye fittest and most able person for such a work in this place." The magistrates voted to grant this petition, but the deputies "consented not." †

In a petition dated February 15, 1681-2, "to the court now sitting in Boston," Samuel Plumer, Joseph Pike, George March, and Moses Gerrish, selectmen, state that the town of Newbury is greatly inconvenienced for want of a magistrate, and therefore ask that one of the three commissioners appointed to end small causes in Newbury may be authorized to punish criminals, and do what any other magistrate may do.‡ This petition was not agreed to by the magistrates and deputies.

May 16, 1683, John Woodbridge was chosen an "assistant" to the General Court, and by virtue of that office was invested with magisterial power.§ May 7, 1684, he was again chosen; and, June 4, 1685, upon motion of Richard Bartlet, deputy from Newbury, "Mr. John Woodbridge was authorized to administer oaths and join persons in matrimony." ||

"December 24, 1690 Mr. John Woodbridge and Capt. Daniel Pierce of Newbury, and each of them are impowered

* Town of Newbury Records.

† Massachusetts Archives, vol. cxii., leaf 328. ‡ Ibid., vol. xxix., leaf 726.

§ Massachusetts Colony Records, vol. v., p. 407.

|| Ibid., vol. v., p. 428.

to join Persons together in marriage in that Town according to the Direction of ye Laws in that behalf made." *

TOWN OFFICERS.

At a meeting of the inhabitants of Newbury held in April, 1647, Abraham Toppan, Anthony Somerby, Henry Short, Nicholas Noyes, Richard Kent, jr., John Pike, jr., and Stephen Kent were chosen "to act in y^e Prudential affaires of y^e Towne for one whole yeare from ye date hereof." †

John Pemberton was chosen constable; and Nicholas Noyes, William Titcomb, and Stephen Kent were chosen waywardens, or surveyors of the highway.

April 27, 1648, John Pike, jr., Nicholas Noyes, and William Titcomb were chosen to attend to the prudential affairs of the town. Archelaus Woodman was chosen constable, William Moody and John Bartlett, way wardens, ‡ and William Ilsley and Robert Coker, haywards.

The same day, "It was ordered that the meeting for the election of town officers should be held hereafter on the first Monday in March of each year." †

April 19, 1649, John Saunders, William Titcomb, and Archelaus Woodman were chosen "to act in y^e prudential affaires of the town according to the former commission given them from the Towne, for this yeare ensuing." †

The same day John Bartlett was chosen constable, John Pemberton, Henry Short, and William Ilsley, way wardens, and John Swett, leather searcher.

It was also ordered that such men as are chosen to bee way wardens should have such power as the Towne can conferre upon them to impose any fine, under ten shillings, upon any person or persons that are delinquent about the services of the highway, the one halfe to bee to the use of the way wardens & the other halfe to such as doe the work provided that they give sufficient warning. †

There is no record of the election of officers nor of any meeting of the freemen of the town, with one or two excep-

* Mass. Archives, vol. xxxvi., p. 266.

† Town of Newbury Records, vol. i.

tions, from the year 1649 to 1663. The pages on which the votes and orders were recorded for nearly fifteen years have probably been destroyed, by accident or design, and therefore a complete list of the town officers cannot be given.

"March 7, 1663-4, there was chosen to act the prudentialls of the Towne for this yeare Archelaus Woodman, William Titcomb, Henry Jaques, Leift John Pike & John Cheny Senr." William Chandler chosen constable.

March 6, 1664-5, John Merrill, Daniel Peirce, Senr, John Knight, Junr, Samuel Plumer, & Thomas Hale, Junr, chosen to attend to the prudential affaires of the town. Samuel Moody constable. Capt. Gerrish & Daniel Peirce, way wardens.

March 5, 1665-6, John Poore, William Ilsley, Leift Pike, Robert Coker, and Richard Kent, Selectmen. Caleb Moody, Constable. John Baily, Samuel Moody, & Edward Richardson, Surveyors of Highways.

March 4, 1666-7, Leift Pike, William Ilsley, Abraham Tappan, William Titcomb, & Archelaus Woodman, Selectmen. Thomas Hale Senr, William Pillsbury, & Robert Coker, Surveyors of Highways. William Chandler, Culler of Staves.

March 2, 1667-8, Richard Dole, Tristram Coffin, Richard Kent, John Knight, Junr, & Daniel Peirce, Selectmen. Nathaniel Clarke, Constable. John Webster, Robert Adams, John Merrill, & John Emery, Senr, Surveyors of Highways.

March 1, 1668-9, John Poore, Senr, Richard Dole, John Knight, Tristram Coffin, & John Bartlet, Senr, Selectmen. Daniel Peirce, junior, Constable.

March 7, 1669-70, John Bartlett, Senr, William Chandler, Edward Moores, Samuel Plumer, & Caleb Moody, Selectmen.

May 21, 1670, Daniel Peirce, Senr, Thomas Hale, Senr, & Hugh March, Surveyors of Highways. "Ordered to mend only the country hy-ways."

Sept. 19, 1670, Capt. Gerrish, and Daniel Peirce Senior, Surveyors of Highways.

March 6, 1670-71, Mr. Richard Duñer, Steven Greenleaf, Caleb Moody, John Emery, Junior, & Samuel Moody chosen to attend to the prudential affairs of the town.

Sept. 20, 1671, Samuell Plumer chosen constable.

March 4, 1671-2, Mr. Richard Duñer, Senr, Thomas Hale, Junr, Ensign Greenleaf, Richard Bartlet, & John Bayly chosen to attend to the prudential affairs of the town. Capt. Gerrish, Mr. Peirce, & Peter Cheny, way wardens.

Sept. 17, 1672, Benjamin Rolfe, Constable.

March 3, 1672-3, Samuell Plumer, Daniel Peirce, Junr, Anthony

Somerby, Richard Bartlet, Rich: Dole, chosen to attend to the prudential affairs.

Aug. 29, 1673, John Baily, Constable.

March 2, 1673-4, Daniel Peirce, Junr, John Emery, Junr, Samuel Moody, Ensign Greenleafe, & Anthony Somerby chosen to attend to the prudential affairs.

March 18, 1673-4, John Baily, John Webster, Robert Coker, & Thomas Hale, Senior, way wardens, "and such persons as have bin behind these two years shall attend when Capt Gerrish calls them to it to mend the way from the meeting-house to the mill."

March 1, 1674-5, Anthony Somerby, Ensign Greenleafe, Daniel Pierce, Junr, Robert Long, & Nicholas Noyes chosen to attend to prudential affairs.

March 6, 1675-6, William Titcomb, Henry Jaques, Francis Browne, Benjamin Rolfe, & Peter Cheney, Selectmen. Joseph Pike, Constable. Henry Jaques, Thomas Hale, Senr, & James Ordway, Surveyors of Highways.

March 5, 1676-7, Mr Thomas Noyes, Henry Jaques, Peter Cheny, Joseph Baily, & Anthony Somerby, Selectmen. Joseph Pike, Constable. Thomas Hale, Senr, George Little, William Sawyer, & Robert Coker, Surveyors of Highway. John Poore, Senr, Surveyor Highways on ye necke. Anthony Morse & Steven Swett, Sealers of Leather.

March 4, 1677-8, Nicholas Noyes, Anthony Somerby, Thomas Hale, Junr, Daniel Peirce, & Henry Short, Selectmen. Joseph Pike, Constable.

March 3, 1678-9, Henry Jaques, Capt. Daniel Peirce, Peter Cheney, Francis Browne, & Anthony Somerby, Selectmen. Joseph Pike, Constable.

March 26, 1679, Moses Pillsbury and Steven Swett, Sealers of Leather.

June 18, 1679, Abraham Adams, Thomas Hale, Junr, William Pillsbury, & Robert Coker, Surveyors of Highways.

March 1, 1679-80, Mr Richard Duñer, Capt. Daniel Peirce, Tristram Coffin, Peter Cheny, & Anthony Somerby, Selectmen. Joseph Pike,* Constable.

March 24, 1679-80, John Emery, John Webster, Abraham Adams, Thomas Hale, Junr, and John Knight, Surveyors of Highways.

Aug. 30, 1680, Hugh March, Senr, chosen clark of the market to seal weights and measures, "and see that they be according to the standard."

March 7, 1680-81, Joseph Pike, Samuel Plumer, George March, Nicholas Noyes, & Moses Gerrish chosen Selectmen. Mr. Richard Duñer, Tristram Coffin, & James Ordway, Way Wardens.

* Mr. Thomas Noyes was chosen constable, but evidently did not wish to serve. "The Towne voted that Joseph Pike should serve the Towne this year in the office of constable, Mr. Noyes giving him forty shillings & the towne twenty shillings." (Town of Newbury Records.)

March 1, 1681-2, Nathaniel Clarke, John Bartlet, Sen., Francis Browne, Joseph Bailey, & James Ordway chosen Selectmen.

March 13, 1682-3, Mr Henry Short, Mr Thomas Noyes, Mr Richard Duñer, Joseph Baily, & Capt. Daniel Peirce, Selectmen.

"Mr. Duñer, Tristram Coffin & Ensign Steven [Coffin?] appointed standing way wardens to see that every inhabitant do their part on the hye wayes."

March 11, 1683-4, Mr Nicholas Noyes, Abraham Adams, Abraham Merrill, Joseph Pike, & Robert Long, Selectmen.

March 10, 1684-5, Capt. Thomas Noyes, Abraham Merrill, Caleb Moody, Ensign Greenleaf, John Kent, Senr, chosen Selectmen. John Badger, Constable.

March 9, 1685-6, Henry Short, Sergt John Badger, Benjamin Morse, Sergt Joseph Little, & Sergt Cutting Noyes were chosen Selectmen.

March 16, 1685-6, Joseph Ilsley and Moses Pilsbery, Constables.

October 26, 1686, Henry Jaques, Sergt John Emery and Corp. Abraham Adams, way wardens.

April 22, 1690, the following persons were chosen Surveyors of the highways: "Joseph Knight for the old Towne, Joshua Mors for the midle s^d Towne, John Emery, Junr for ye new Towne, & Joseph Goodridge for the farms."*

SELECTMEN.

The duties and responsibilities of the selectmen were evidently undefined and unlimited until May 21, 1669, when the town adopted the following rules and regulations:—

1. The Selectmen shall have power to call the town together.
2. To order the business for the herds and to make Mr Parkers Rate of £80 pr ann.
3. They shall prohibit of all felling of the Towns timber for transport.
4. They shall make Rates for the necessary expenses of the Towne & also to make the County & Country Rates.
5. To repair the meeting house, pound & stocks.
6. To looke that all strangers that come into the Towne, that they may have warning to depart in due season and to serve it according to law in & about the Towne.
7. They shall do nothing else without calling the Towne together to have their approval.
8. They are to give up their accounts at the [end of the year] to the Towne. And also to []"†

* Town of Newbury Records. † Ibid., vol. I.

In 1677, the sixth rule was amended, and the selectmen were instructed "To prohibit all strangers from settling in the Towne without y^e Towns consent"; and the following additional rules were adopted:—

They shall not build any seats in the meeting house nor alter them without the Towns consent.

They shall prohibit any Inhabitant from takeing in any sheep, cattle, or horses of the Inhabitants of other Towns to keep on the Towns Comons & to make orders for that end.

These rules, with a few unimportant changes, were annually adopted by the inhabitants of the town for nearly twenty years.

March 9, 1685-6, It was voated as an Addition to y^e Selectmens Instructions that the Selectmen from time to time shall make up y^e accounts wth him who was constable y^e year before by the first of May, annually. The constables are hereby ordered to give up they^r accounts to y^e Selectmen by y^e s^d time accordingly.*

Constables were made collectors of taxes April 16, 1673.

It was voted that hence forth there shal bee but one Rate made for one yeare every yeare in the month of October and the payment to bee made one halfe in English graine, as wheat, barley Rye and pease good and merchantable at or before the last weeke in October & the other halfe in good merchantable Indian corne at or before the last week in March next after every yeare under penalty of paying five shillings more than their Rates come to, to be levyed by the Constable if it be not paid, discounted, or agreed for to be paid suddenly upon that time.*

The rules and regulations defining the duties and powers of the selectmen, revised and adopted by the inhabitants of Newbury March 14, 1726-7, read as follows:—

- 1 That they keep the Towns pound in repair.
- 2 That they observe the directions in y^e Law relating to y^e admission of inhabitants into Towns and that they warn out all strangers according to the directions in y^e Law & prosecute all such as do not depart when so warned.
- 3 That they supply the wants of y^e poor.
- 4 That they bind out y^e children of y^e poor as y^e Law directs.

* Town of Newbury Records.

5 That they observe the directions in the Law relating to reputed drunkards, comon tipplers & such as mispend their time and estates in publick houses & prosecute such as transgress the Laws in that case.

6 That they set to work such as live idle and disorderly lives as y^e Law directs.

7 That they take care of and improve the estates of such as are neither able to take care of or improve them themselves that they may be preserved for the maintainance of such persons as need may require as y^e Law directs.

8 That they be aiding and assisting to Tything men & other officers in suppressing of vice, prophaness & imorality & vigorously exert themselves herein as y^e Law directs.

9 That they give not their approbation for any to renew or have a licence for y^e keeping of publick houses but to such as are qualified as y^e Law directs.*

LOT-LAYERS.

When the inhabitants of Newbury decided in 1645 to begin a new settlement on the westerly bank of the Merrimack river, they appointed lot-layers to survey and lay out all the undivided land between the farm previously granted to John Spencer and the mouth of the Artichoke river. These lot-layers and their successors were continued in office until June 22, 1661.

The selectmen takeing into consideration that there is no more land to be granted by the Towne, & that there is no need of standing Lott-layers they doe hereby order that they do discharge & release Richard Knight & William Titcomb from that service of Laying out any more Land from this day & henceforth until the towne see caus.

JOHN EMERY, Sen.

JOHN CHENEY, Sen.

ABRAHAM TOPPAN.

ARCHELAUS WOODMAN.†

Subsequently, however, it became necessary to reappoint the lot-layers, and Sept. 21, 1677, "Tristram Coffin was chosen to joyne with Richard Knight to be a Lott layer in the Roome of William Titcomb deceased." *

FENCE VIEWERS.

March 7, 1663 There was chosen fence viewers. At old Towne Rich: Dole, Francis Plumer, & Tho: Blomfield: In the middle of the Towne

* Town of Newbury Records. † Ibid. (Coffin's copy).

Anthony Mors, Senr, Tristram Coffin, John Webster; at the farther end William Pilsbury, Will: Sawyer, Lionell Worth.*

April 2, 1666 There is chosen by the Selectmen for fence viewers for the year ensuing William Sawyer, William Pilsbury for the further end of the new town to frog pond, Anthony Morse Senr & John Webster from thence to Goodman Moodys lane, & John Emery Senr and Francis Plumer & Tho: Hale Senr from thence all at old Towne & Thomas Hale & Samuell Plumer for the necke.*

March 23, 1669-70. Thomas Hale and William Ilsly were chosen fence viewers for the old town, Robert Coker and John Webster for the middle of the town, William Pilsbury and James Ordway for the farther end.

April 3, 1671. Thomas Hale, Senr, and William Ilsly fence viewers "over the water in the necke & at the old Towne to goodman Moodys land." "Abraham Toppan & Edward Richardson from Goodman Moodys land to John Bartletts Barne." William Sawyer and Edward Woodman, Junior, "from John Bartletts barne to the farther end of the new Towne."

March 20, 1671-72. Thomas Hale, Senr, and William Ilsly were chosen for the old town to Moody's lane. Anthony Morse, Senr, and Richard Pettingell from Moody's lane to J. Bartlet's barne. Edward Richardson and James Ordway to the end of the town and also at the Falls.

March 19, 1672-3. William Sawyer and James Ordway, for the new towne. Richard Pettingell and John Webster, for the middle. Thos. Hale, Senr, and Joseph Pike, for the neck and old town.

March 25, 1674. "Joseph Plumer in ye necke." William Ilsly and Benjamin Rolfe at old town to Moody's lane. John Webster and Robert Coker to J. Bartlet's barn. Benjamin Morse and Peter Godfry to the end of the town.

March 6, 1674-5. "Thómas Hale, Senr, in ye necke." William Ilsley and John Knight, Junr, in old town to Moody's lane. Anthony Morse, Senr, and Richard Browne to J. Bartlet's barn. James Ordway and Israel Webster from thence to the Artichoke river.

March 22, 1676-7. "Thomas Hale, Junr, at the necke."

*Town of Newbury Records.

William Ilsly and John Badger at old town. John Webster and James Smith in the middle. Moses Pilsbury and Daniel Merrill at the farther end.

March 31, 1679. Thomas Hale, Sen^r, and Joseph Knight at old town. Joseph Coker and Joshua Brown in the centre of the town. William Pilsbury and John Swett at the farther end.

March 24, 1679-80. Samuel Plumer and John Knight at old town. Peter Toppan and James Smith in the centre. Samuel Poore, Sen^r, and John Sawyer, at the upper end.

March 23, 1680-81. John Kelly and Cutting Noyes at old town. Robert Long and Richard Brown in the centre. James Ordway and Jacob Toppan at the upper end of the town.

March 27, 1683. John Knight and Richard Dole, Jun., at the old town. John Webster and John Smith in the centre of the town. Daniel Morrill and John Swett at the upper end. Joseph Goodridge, Benjamin (?) Pearson, and Duncan Stewart, at the farms.

March 18, 1683-4. John Kely and John Badger at the old town. Richard Browne and Matthew Pettingell at the centre. Moses Pilsbery and Aquila Chase at the upper end. Joseph Goodridge and Benjamin Pearson at the farms.

April 6, 1685. Joseph Ilsley and Joseph Knight at old town. John Webster, Jun., and Matthew Pettingell at the centre. Serg^t Richardson and James Ordway, Sen^r, at new town. John Emery, Sen^r, and Benjamin Moore at the upper end of the new town. Joseph Goodridge and Benjamin Pearson at the farms.

March 22, 1685-6. Jonathan Emery and James Jackman for old town neck. Richard Brown and Joshua Morse for the middle of the town. Serg^t Jno. Hale and Beniah Titcomb for the new town. Joshua Brown and Abraham Merrill for the upper end. Duncan Stuart and Benjamin Goodridge for the farms.

TITHING MEN.

May 24, 1677, the General Court ordered that one tithing man to every ten families in the town should be appointed

by the selectmen to apprehend all Sabbath-breakers, "those who absent themselves from the public worship of God on the Lord's day," disorderly children and servants, night walkers, and tipplers, and, in the absence of a constable, take them before a magistrate or commit them to prison.*

In compliance with this law the selectmen of Newbury, at a meeting held March 31, 1679, appointed the following persons to serve as tithing men:—

Richard Dumer Jun	Richard Knight	James ordway
Abraham Adams	Nicholas Noyes	Lieut Woodman
William Ilsey Jun	Tristram Coffin	John Emery, Jun.
Robert Long	Nathaniel Clark	William Sawyer
Thomas Hale Jun	Ensign Greenleaf	Abraham Merrill.

A notice sent by the selectmen to the person named last in the above list reads as follows: † —

TO DEACON ABRAHAM MERRILL

At a meeting of the Selectmen March thirty-first 1679.

You are hereby required to take notice that you are chosen according to court order by the selectmen to bee a tithing man to have inspection into and look over these families that they attend the publick worship of God, and do not break the Sabbath, and further you are to attend as the court order declares.

The names of the families are Edward Woodman, Junior, Samuel Bartlet, Richard Bartlet, Abel Pilsbury, John Stevens, Christopher Bartlet, Thomas Chase, Goodman Bailey, John Chase.

By order of the Selectmen

ANTHONY SOMERBY *Recorder.*

"March 24, 1679, there were chosen for Tithing men for this year 1680"

John Emery Junr	Henry Jaques	James Jackman
John Bailey	Nicholas Noyes	Thomas Hale Junr
Lieut Woodman	Samuell Plumer	Edward Moores
Ensign Greenleaf	William Sawyer	James Ordway
Sergt Coffin	Robert Long	Joseph Goodridge
Sergt Clarke		

April 25, 1681, the selectmen appointed for "tything men"

Mr Richard Dumer	John Noyes	Thomas Hale Jur
Mr. Henry Short	James Jackman	Daniel Cheny
Tristram Coffin	Robert Long	Richard Pettengall

* Massachusetts Colony Records, vol. v., p. 133.

† Coffin's History of Newbury, pp. 121, 122.

Ensign Greenleaf	Nathaniel Clarke	Caleb Moody
Mr John Sewall	Samuel Poore Sen	John Baily
John Emery Junr		

"Tithing men for 1682" as follows:—

Mr Richard Dumer	Benjamin Rolfe	Abraham Adams
Samuel Plumer	John Webster	William Morse
Joseph Pike	John Badger	Sergt Richardson
Serj: Coffin	John Baily	Francis Browne
Serj: Clarke	Abraham Merrill	Joseph Plumer
Serj: Tappin	Benjamin Lowle	Rich: Pettengall

Tithing men for 1683:—

Mr Richard Dole	Nicholas Noyes	Anthony Somerby
Serjeant Coffin	Beniah Titcomb	William Pilsbury
Robert Long	Mr Moses Gerrish	James Jackman Senr
John Hale	Abraham Adams	John Easton
Abraham Merrill	Joshua Brown	Richard Bartlet Jr
John Poore Jur		

Tithing men for 1684:—

Capt Daniel Peirce	Mr Richard Dumer	Capt Thomas Noyes
Lieu ^t Tristram Coffin	Elisha Ilsly	Edmund Moores Sen
Lieu ^t Woodman	James Jackman	Samuel Plumer
John Emery Sen	Joseph Knight	Thomas Hale Senr
Samuel Bartlet	John Bartlet Jur	Anthony Somerby
Edward Richardson	James Ordway Jur	James Myrrick

Tithing men March 22, 1685-6:—

John Poor	Dunkan Stuart	Lieu ^t Coffin
Sam ^l Bartlet	Samu ^l Plumer	Corp ^l Edward Mores
Ser: Hale	W ^m Sawyer	Joseph Pike
Abram Adams	Ser: Moody	John Swett
Benj. Rolfe	Georg March	Ben: Morse
Pen ^l Titcomb	Deacon Noyes	Rich ^d Browne
Abram Merrill	James Ordway Jr.	

Tithing men appointed May 7, 168[7?]:—

Joseph Little	John Kent Jun	John Webster Senr
John Sawyer	Beniah Titcomb	Mr Moses Gerrish
John Baily	John Bartlet Jur	Henry Jaques
Daniel Morrill	Serg ^t Nath ^l Clarke	John Knight
En ^s Jacob Toppa	Henry Lunt	William Moody
Joseph Ilsley	Silvanus Plumer	Joseph Plumer Senr
Jonathan Moore	Joseph Goodridge	Mr Will Longfellow

Under the new charter of the Province of Massachusetts Bay tithing men were required to carry a black staff, two feet long, tipped at one end with brass about three inches wide, as a badge of authority. They were sworn to a faithful discharge of their duties before a justice of the peace.*

Subsequently the law providing for their appointment by the selectmen was amended, and they were afterwards elected annually by the inhabitants of the town until 1838. After that date they were evidently considered superfluous officers, and for several years none were chosen.

March 14, 1848, the town voted to elect three tithing men in place of eighteen or twenty as heretofore; and Benjamin G. Evans, John Atkinson, and Michael Floyd were chosen.

At a meeting of the town held March 13, 1849, strong efforts were made to secure the appointment of competent and discreet persons who could be depended upon to serve as tithing men; but a motion to omit action on that article in the warrant prevailed, and when the subject was again brought to the attention of the voters, April 1, 1850, and March 29, 1852, it was disposed of in substantially the same way. At the annual meeting in March, 1854, John N. Kent, Joseph Longfellow, Alfred Poor, John Kent, and Richard S. Bray were elected. The following year no tithing men were chosen; and since that date good order has been maintained in the town of Newbury, and in the church during divine service, without their aid or influence.

OTHER OFFICERS.

Cullers of fish, cullers of staves, hog reeves, informers of deer, clerks of the market, and many other officers whose services are not now required, were elected annually by the inhabitants of the town.

Cullers of staves selected and classified the staves that were cut in large quantities for wine casks and hogsheds and shipped from Newbury to the West Indies. It was the duty of hog reeves to see that the law "concerning the yoking

* Province Laws, vol. 1, p. 155.

and ringing of hogs" was properly executed when they were allowed to run at large. Clerks of the market regulated weights and measures as well as prices when provisions or produce were offered for sale; and informers of deer were expected to prosecute all persons violating the law in regard to the killing of deer, or give to the magistrates the information needed in order to secure the arrest and punishment of the offenders.

FINES AND PUNISHMENTS.

At a meeting of the inhabitants of Newbury held April —, 164(5)?

It was ordered y^t all such as absented themselves from this meeting should be fined twelve pence a^peece, and the constable to levy the same & Retourne w^t he gathers of such as y^e prudential men shall judge their excuse is not sufficient, y^e one half thereof to the ord^rs of y^e Towne affaires y^e other to keepe himself for a Recompeuse for his paynes.

Itt is ordered y^t y^e constable for p^rsent & all constables for future shall stand ingaged from time to time for one half of y^e fines y^t any delinquent shall be fined for absenting himself from any publicke meeting w^{ch} is to be 1^s a peece.*

April 8, 1646, Mr. Woodman, Hen: Lunt, Arch: Woodman and Mr Sewall for their absence from y^e generall Towne meeting are fyned twelve pence a peece:

Steven Kent for his absence from y^e same meeting was fyned two shillings.

At this meeting the constable was ordered to collect the above-mentioned fines within ten days, and bring them to the town officers. "In case he bring it not in by that time Anthony Mors is appointed to Distreine on y^e constable for all the fines." *

Aquilla Chase, his wife, and David Wheeler, of Hampton, were presented September 29, 1646, to the court at Ipswich, "for breach of the Sabbath in gathering pease." "Witnesses William Sanburne and William Fifield." †

Under the date of March 30, 1647, the record states that

* Town of Newbury Records, vol. I.

† Court Files (Salem), vol. I., leaf 55.

they "appeared not, to answer their presentment, being not at Hampton when the constable received his warrant."

In a volume containing notes and memoranda made by the clerk of the court, for his own convenience, and afterwards written out and entered in full upon the records, the facts relating to this presentment and to the return made by the constable are stated as follows:—

Ipswich Court March 30, 1647, Aquilla Chase & his wife & David Wheeler being presented at the last court for gathering pease on the Lord's day. Summons sent to Hampton. The constables return states they were not at Hampton but were gone to Newberry.*

Another summons was served upon them at Newbury. They appeared at the next session of the court, held March 28, 1648, and were "admonished and discharged after the payment of fees and costs of court." †

March 28, 1648, the town of Newbury was presented "for want of a convenient safe way from the new town to the ferry side." "Witnesses Tristram Coffin of Newbury and John Stevens of Salisbury." And at the same court the town was also presented "for want of a bridge over the falls river in the way betwixt Newbury and Andover." ‡

At the court held in Ipswich, November 13, 1649, John Bartlet, constable of Newbury, was presented for not providing weights and measures for the use of the inhabitants of the town. §

May 23, 1650, the General Court ordered that "John Bartlet, the constable of Newbery, being vnder a fine of forty shillings for not p'vidinge weights & measures according to law, vppon a petition p'fred to this Court, hath his fine remitted: the Court havinge received satisfactory information that he did his vttmost endeauour to p'cure the same." ||

November 13, 1649, the town of Newbury was presented at the Ipswich court for want of a pound. ¶

* County Court Records, 1645 to 1663, "Ipswich," vol. i., leaf 8.

† Ipswich Court Records, vol. i., leaf 12.

‡ Court Files (Salem), vol. i., leaf 97.

§ Ipswich Court Records, vol. i., p. 18.

|| Massachusetts Colony Records, vol. iii., p. 104.

¶ Ipswich Court Records, vol. i., p. 18.

March 26, 1650, John Perrye, of Newbury, for abusive carriage to his wife and child, was ordered to give bonds for his good behavior and "to sit one hour in the stocks at Newbury." *

On the same day (March 26, 1650) Anthony Morse, of Newbury, was fined £5 "for digging a pit & not filling it up whereby a child was drowned." †

Dr. William Snelling was presented for denouncing his enemies with intemperate zeal. His friends William Thomas and Thomas Milward signed and filed with the clerk of the court the following statement:—

This is to certify whom it may concern that we, the subscribers, being called upon to testify against Mr William Snelling for words by him uttered, affirm that being in way of merry discourse, a health being drunk to all friends, he answered

I'll pledge my friends
And for my foes
A plague for their heels
And a poxe for their toes.

Since when he hath affirmed that he only intended the proverb used in the west country, nor do we believe he intended otherwise.‡

Affixed to this statement was the following acknowledgment:—

March 12, 1651-2, all which I acknowledge and I am sorry I did not express my intent, or that I was so weak as to use so foolish a proverb.

GUILIELMUS SNELLING.

Notwithstanding this humble apology it appears from the court records that on the thirtieth day of March, 1652, "Mr William Snelling upon his presentment for cursing is fined 10^s and fees of court." §

"September 27, 1653, the wife of Nicholas Noyes being presented for wearing a silk hood and scarf, upon proof that her husband is worth above two hundred pounds is cleared of her presentment."

The wife of Hugh March and the wife of Richard Knight

* Ipswich Court Records, vol. i., p. 20.

† Ibid., vol. i., leaf 20.

‡ Court Files (Salem), vol. ii., leaf 28.

§ Ipswich Court Records, vol. i., leaf 28.

were charged with the same offence, but were discharged on proof that their husbands were worth two hundred pounds each.*

The wife of John Hutchins was discharged "upon testimony of her being brought up above the ordinary ranke."*

At the same court the wife of Joseph Swett and the wife of William Chandler were convicted and fined ten shillings "for wearing a silk hood and scarfe."*

The law under which these presentments were made was enacted October 14, 1651. It provided that "men of meane condition" should not take upon themselves "the garbe of gentlemen by wearing gold or silver lace or buttons"; and women of the same rank were forbidden "to weare silke or tiffany hoodes or scarfes" unless they or their husbands possessed an estate of at least two hundred pounds, under a penalty of ten shillings for each offence.†

In September, 1653, "Tristram Coffin and ux [Dionis] presented for selling beer at 3^d a quart." "Upon the testimony of Samuel Moores that she put six bushels of malt into the hogshead she was discharged."‡ The law regulating the sale of beer provided that "all such as put beere to sale shall be able to prove that they put into every hogshead of beere that they sell for three pence the quart into the brewing thereof six bushells of good barley mault, & into every hogshead of beere sould at two pence the quart fower bushells of mault; & into every hogshead of beere sould at a penny a quart, two bushells of like good mault & so proportionably in greater or smaller quantities." Whosoever failed to comply with the provisions of this law should "forfeite for the first offence forty shillings & for the second offence shall forfeite theire licence."§

March 28, 1654, the town of Newbury was presented "for defects in a country highway near goodman Adams his farm."||

"September 1654 John Emery senior was chosen to

* Ipswich Court Records, vol. I., leaf 34.

† Massachusetts Colony Records, vol. IV., part I., p. 61.

‡ Ipswich Court Records, vol. I., p. 36.

§ Massachusetts Colony Records, vol. III., p. 241.

|| Court Files (Salem), vol. II., leaf 130.

answer at the next court at Ipswich concerninge the p'sentment about the waye to Andover." * At a session of the court held at Ipswich September 26, 1654, the town of Newbury was "ordered to repair the highway by next court or pay forty shillings." †

"May 6, 1658 Newbury upon their presentment for want of a latin scoole is to pay five pounds to Ipswich lattin Scool, unles they by the nexte Court provyde a lattin scoole master according to law." ‡

March 31, 1663, the grand jury, sitting at Ipswich, indicted "Lydia Wardwell the wife of Eliakim Wardwell for coming naked into y^e meeting house of Newbury."§ May 5, 1663, she was sentenced "to be severely whipt and to pay costs & fees to the Marshall of Hampton for bringing her."||

At the same court, May 5, 1663, "Elizabeth Webster for taking a false oath was sentenced to stand at the meeting house dore at Newbury, the next lecture day from the ringing of the first bell until the minister be ready to begin prayer, with a paper on her head written in capital letters FOR TAKING A FALSE OATH IN COURT, the constable to see it done: or else to pay a fine of five pounds and to be disabled from taking an oath, and pay costs and fees. She made choise to stand at the doore," etc.||

WOLVES, BLACKBIRDS, AND CROWS.

May 15, 1645, the General Court ordered

Y^t any p'son, eith^r English or Indian, that shall kill any wolfe or wolues wthin ten miles of any plantation in y^s jurisdiction, shall have for every wolfe by him or y^m so kiled 10 sh^s to be paid out of y^e treasury of y^e country.¶

At a general meeting of the Towne [of Newbury] April 27th 1648 Ther was granted to Thomas Marvyn two acres of land lying neer to the new pond on the back side of Mr. Noyes house lott at the new Towne for encouragement to him to kill woolves. **

* Town of Newbury Records, vol. i.

† Ipswich Court Records, vol. i., leaf 47. ‡ Ibid., vol. i., leaf 68.

§ Court Files (Salem), vol. ix., leaf 13.

|| Ipswich Court Records, vol. i., leaf 117.

¶ Massachusetts Colony Records, vol. ii., page 103.

** Newbury (Proprietors') Records, vol. i., page 46. The land granted Thomas Marvyn was on the southwesterly side of South (now Parker) street, near the "training green."

March 6, 1664-5 It was ordered that those wolves that hath bin killed since the six wolves order hath bin out, those that hath killed them shall have forty shillings for every wolfe for those that is past, and also such as shall kill wolves for the time to come shall have forty shillings for every wolfe to be paid out of the next Towne Rate after they shalbe killed provided that due proof be made that they be killed within the limitts of the Towne.*

January 24, 1682-3, the freholders and other inhabitants of the town voted

That whereas there was an order made and voted at a Generall meeting of the Towne March 13, 1680-1 that gave to such persons as should kill wolves in the bounds of Newbury to have twenty shillings for every old wolfe and ten shillings for every young wolfe to be paid out of the Town rate, and it was not found in the town books, the Town did confirm that order and gave order it should be recorded for it was endorsed by John Ordway and many others.*

March 9, 1702-3 voted to pay four pounds to those who killed two wolves at the Ipswich end of Plum Island.*

September 1, 1714 voted to pay forty shillings for every wolfe killed within the limits of the town.*

May 3, 1715 voted to give five pounds per head for every grown wolfe which shall be killed within the town of Newbury.*

March 13, 1721-22 It was voted that y^e selectmen shall pay to Mark Moers & his brother Jonathan Moers twenty shillings equally between them for a gratification for killing a wolfe in Bradford this last winter.*

At the annual meeting, held March 16, 1724-5, the town voted to pay Thomas Bartlet and Seth Bartlet the sum of fifteen shillings for killing a wolf in Merrimack river; and as late as February 23, 1741-2, the selectmen paid George Thurlow five pounds for killing "a woolf & wild cat."*

In 1779, Moses Adams killed a wolf in Newbury. Since that date none have been seen within the limits of the town.†

As a protection against loss and damage to the growing crops of wheat and corn, the inhabitants of Newbury, at a meeting held Dec. 19, 1650, ordered "that what soeuer Inhabitants of this towne shall kill blacke birds, jays, woodpeckers or crows shalbe paid by the constable out of the

* Town of Newbury Records.

† Coffin's History of Newbury, p. 296.

towne rate for euery dozen of blacke birds one shilling, and for euery dozen of woodpeckers and jays heads so brought to the constable or townsmen two shillings, and for euery dozen of crows three shillings and so proportionable for any less number." *

WOOD AND TIMBER.

The cutting and removing of wood and timber, from land owned by the freeholders in common, was carefully guarded and regulated by the early settlers of the town. They adopted strong and vigorous measures for the protection and preservation of forest trees. As early as 1638, when the settlement at Parker river was less than three years old, they publicly declared: "The Trees before Richard Knights house are reserved for the Towns use and so in all the streets of the Towne & none is to cutt them downe on the penalty of ten shillings forfeiture to the Towne." †

When arrangements were being made for the removal of the inhabitants from Parker river to the "new town" on Merrimack river, the freeholders ordered that a fine of two shillings and sixpence should be imposed upon any person cutting or removing a tree without permission, and providing further that all trees cut down, within the limits of the proposed new town, previous to Jan. 11, 1643-4, "shall lye & remayne on the ground till the person be known to whom the land belongs that so paying for the labour he may have them to serve his occasions."

March 3, 1668-9, the selectmen ordered that all pipe staves, or barrel staves, found upon the commons, or at the river side, "shall be seized and sold, and no one, not an inhabitant of the town, shall be allowed to employ any person to cut or draw timber upon the commons under penalty of forfeiting all the timber so cut."

Evasions of this order were so frequent and annoying that the freeholders declared October 18, 1670, "that sundry orders have been made for the preservation of the Towns Timber as

* Town of Newbury Records, vol. I.

† Newbury (Proprietors) Records, p. 35.

by order of Sept. 18, 1649 and other wise may appear," and many trees have recently been cut into boards, plank, pipe staves, and fence rails without permission. The selectmen are therefore directed to impose a fine of twenty shillings on any person aiding or assisting in loading or transporting these materials beyond the limits of the town "on a raft, boat, or canoe."

All dwelling-houses or cottages erected in Newbury after October 12, 1670, contrary to the law passed by the General Court, May 30, 1660, were liable to be condemned and confiscated, "unless the same have been or shall hereafter be accepted by the freeholders."* The owners or builders of such houses were not allowed to use the common or undivided land for the pasturage of cows, horses, or sheep; nor were they allowed to cut or remove any timber or wood, under penalty of twenty shillings for every load so cut or conveyed away.

"May 22, 1671, the town granted Mr. John Lowle liberty to cut out of the dead timber on the commons, so much as will serve to build him a house; the timber to be taken from the point of land above Holt's rocks." †

At a general meeting of the inhabitants of the town held March 3, 1672-3, the following order was adopted:—

... no person Shall fell, girdle, Lopp or in any way deface any tree standing upon the training place or the grounds appointed for that use on penalty of five pounds for every tree so felled, girdled, Lopped or defaced. ‡

The selectmen were authorized and instructed to see that the rules and regulations adopted for the preservation of useful and ornamental trees were strictly and impartially enforced. July 5, 1673, they ordered the following vote to be recorded: "That whereas John Webster & Peter Toppan is complained of for cutting Downe trees in the Land that

* Massachusetts Colony Records, vol. iv., part I., p. 417. "It is ordered that hereafter no cottage or dwelling place shalbee admitted to the privilege of commonage for wood, timber & herbage or any other of the priviledges that lye in common in any towne or peculyar, but such as already are in being or hereafter shalbee erected by the consent of the towne."

† Town of Newbury Records (Coffin's copy).

‡ Town of Newbury Records.

is called the burying place, we the selectmen do order that Richard Dole & Samuel Plumer shall levy ten shillings upon John Webster & five shillings upon Peter Tappan for cutting downe the trees without order & John Webster for cutting downe a tree upon the hyway." *

March 5, 1676-7, the freeholders voted: "That such persons that shall fell downe & make use of Timber of the Towns Comons for the building of ships or vessels shall from henceforth, from time to time, have liberty from the Selectmen and shall pay for the Townes use two shillings a tun according to the burden of the vessel and if any shall take timber out of the Townes Comons without leave as above said shall pay foure shillings a Tun to the Townes use to be levied by y^e constable." *

"October 12, 1681, I.^t Steven Greenleaf proposed for a parcell of timber to make plank for a vessell & engaged to pay to the Townes use by the tun according to the Towne order." *

The selectmen granted the petition of Mr. Greenleaf, and March 3, 1681-2, appointed Thomas Hale, jr., and Joseph Plumer "to search out any p^{erson} or p^{ersons} that have cut downe any of the townes timber in the upper comons & bring in their names to the Selectmen between this & the next Generall town meeting." *

"March 9, 1685-6 Job Pilsbery petitioned the towne that a white oak tree standing on the highway against his fathers barne might not be cut downe but y^t he might have liberty to preserve y^e same." "The town granted his petition." *

At a meeting of the freeholders held March 9, 1685-6, it was voted: "The Towne being sensible of a great deale of Damage y^t may happen to y^e Towne by persons cutting trees in the Towns comons and high wayes contrary to Towne order. The Towne do therefore Appoynt and Authorize Joseph Pike of Newbury to prosecute all such person or persons that have transgressed any such order." * The appointment to remain in force until revoked.

In the month of April following "Constable Moses Pils-

* Town of Newbury Records.

bury seized and delivered to Joseph Pike twenty one red oak trees and sixteen white oak trees at the south east end [of the town's commons] near Savages rock and the westerly end of Long hill near Merrimack river." *

December 19, 1695, the sheriff was ordered to seize all timber that had been cut on the common land without permission. The same day James Brown, deputy sheriff, seized between two and three thousand staves and a large quantity of cut and hewn timber which he marked "with the Broad Arrow," and delivered to the selectmen of Newbury.*

March 12, 1716-7, Lieut. John March and Mr. Henry Rolfe were authorized to prosecute "all persons who have, or shall hereafter, cut down or deface any tree or trees standing on any of the Highways or training places within the limits of the town: and shall do all things needful for preserving all trees on the said ways." *

An oak-tree that was perhaps a century old when Newbury was settled, in 1635, is still standing on land now owned by William Little and others. On the next page will be found a photographic view of this venerable representative of the primeval forest.

"What tales, if there be 'tongues in trees,'
This giant oak could tell
Of beings born and buried here,—
Tales of the peasant and the peer,
Tales of the bridal and the bier,
The welcome and farewell."

"The Gerrish pasture" where this ancient oak tree stands was the property of the First Parish of Newbury for more than two centuries. At an auction sale, April 6, 1875, it was purchased by Robert A. Smith, Joseph W. Bartlett and others.†

The underbrush, small limbs and boughs cut from tree-tops, valueless wood and decaying timber that interfered with the growth of the herbage and the pasturage of cattle, was annually gathered in convenient nooks and consumed by fire. The

* Town of Newbury Records.

† Essex Deeds, vol. cmxxix., p. 274, and vol. cmxxiv., p. 217.



selectmen were authorized to employ suitable men for that purpose. The earliest appointment recorded is as follows: "March 10, 1674-5 John Emery Jun^r undertakes the burning of the woods & making the dry herd hedg sufficient." *

March 22, 1681-2, the selectmen agreed with William Bolton to keep the dry herd; "and he is to burne the woods and make up the flatts fence and for that he shall be paid fourteen shillings." *

April 6, 1685, the selectmen "agreed with William Bolton for ten shillings to burn the woods this yeare." *

March 22, 1685-6, the selectmen appointed Benjamin Morss "to burn the woods this year above Artichoak River and to have for his pains ten shillings out of y^e nexte towne Rate." *

HORSES, CATTLE, AND SWINE.

Stock-raising was an important industry in the town of Newbury for more than fifty years after its incorporation. At first horses, cattle, and swine were allowed to run at large; and, in order to keep them from trespassing upon cultivated fields and gardens, it became necessary to employ herdsmen, and also to provide a suitable enclosure where they could be confined, if vicious or unruly, and released by the owners on the payment of a certain fixed and definite sum.

February 1 [1637-8], the freeholders ordered "that Jn^o: Emery shall make a sufficient Pound for the towne two rod & halfe square by the last of this present month if he cann, the towne affording him what helpe they can, when he calls for it; & when it is finished, that the towne & hee shall agree about the price & if they cannot that then it shall bee judged by two indifferent men to be chosen one by the towne, the other by himselfe." †

Evidently, Mr. Emery was unable or unwilling to undertake the task of building a pound, and therefore the town ordered April 14 [1638] "that Richard Brown, the constable, shall cause a sufficient pound to be made by the twenty-first of this moneth to impound swyne and other cattell, in the place that

* Town of Newbury Records. † *Ibid.*, vol. I.

shall be shewed him and of that largeness which shall be thought fitt, this to be done on the penalty of 20^s. The men to appoint the place and manner of the pound are M^r Rawson, Henry Short, John Knight and Rich : Knight." *

On the fourteenth day of April, 1638, the selectmen agreed "that Nich : Batt shall keepe the heard of kine begining the 16th of March, 8 months thence till the 16th of November, & that he shall have 18 pounds for his labor, w^{ch} is to be payd 40 bushells of corne at 4^s 6^d the bushell, three months after harvest; & nine pounds in money whereof [] is to be payd presently & 4^{lb} the first of July, & the rest at the end of the terme of eight months provided he is to keepe them [out] one Lords day & the towne two." *

On the margin of the above record the names of Jno: Woodbridge, Edward Rawson, Edward Woodman, Henry Short, and Richard Knight are inscribed in token of their assent to the agreement.

At a meeting of the inhabitants of the town held August 25, 1638, it was ordered "that Tho: Halle and John Baker shall be hay wards till the town shall appoint new, & that they shall have a speciall care of the impounding of swine according to order. And farther it is ordered that whatsoever swine is impounded, if it be not known whose it is, that then it shall be kept by the hay wards, the person satisfying when he is knowne: if it bee knowne & the owner thereof shall not satisfy for it within twenty foure hours that then it shall be lawfull for the hay wards to sell them according to order." *

March 12, 1641-2, the freeholders voted "that all the commons within the limits of the towne shall be equally divided into three several parts and that the same number of cattle that are allowed in the stint of the cows and oxen shall be allowed in the heifer common and a third like quantity of young cattle above Mr. Rawson's farme." †

In compliance with this vote the cow common, the ox common, and the heifer common were laid out, and five hundred and sixty-three "rights" in each pasture were divided among

* Town of Newbury Records, vol. I.

* Proprietors' Records, vol. I.

the freeholders in proportion to the number of acres of land owned by them.

Two years later, when arrangements were being made for the removal of the inhabitants of Newbury to the new settlement (now Newburyport), suitable fences in the new town were considered necessary for the convenience of householders and the protection of gardens and fields from the intrusion of cattle. January 10, 1643-4, the freeholders ordered "that all fences generall and particular at the first setting up shall be made and always kept so sufficient as to keepe out all manner of swyne and other cattle great or small, and at whose fence or part of fence any swyne or other cattle shall break through, the person owning the fence shall not only beare and suffer all the damages, but shall further pay for each rod so insufficient thè somme of two shillings, w^{ch}, by the constable for the time being shall be gathered by order from the orderers of the Towns affairs & at their dispose." *

On the same day the town also ordered "that the owners of all such cattle as the towne shall declare to be unruly and excessively different from all other cattle shall pay all the damages their unruly cattle shall doe in breaking through fences." *

At a meeting of the freeholders, held December 19, 1650, it was ordered "that all swine shalbe Yoaked and Ringed and if any be not and do trespass in corn fields, gardens, meadows, pasture grounds, and commons, the owners of the land, or the hay wards, shall have libertie to drive them to the pound, and shall have sixepence a head for pasturage of the owners of such swine, and [] head in case they drive them above a mile." *

Swine properly yoked could not gain access to cornfields and gardens protected by fences, and with a ring in the snout could do no damage to the growing crops by rooting.

During the fall and winter horses and cattle were allowed to run at large on Plum Island and in the upper and lower commons.

March 7, 1663-4 the selectmen ordered "that all horses

* Town of Newbury Records, vol. I.

and dry cattle are to be cleared out of Plum Island & also out of the commons upon penalty of two shillings six pence p^r head to any p^rson or p^rsons that shall impound them & also the same penalty of 2^s 6^d p^r head if they be impounded out of any enclosure or propriety being sufficiently fenced." *

The upper common, extending from the Artichoke river to the Bradford line, included nearly all the territory within the present limits of the town of West Newbury, while the lower commons on the southwesterly side of the country highway, now High street and Storey avenue, Newburyport, extended from the Artichoke to the Parker river, and included the pastures set apart for the use of cows, oxen, heifers, and sheep.

For the protection of the cattle in the upper common it became necessary to provide additional safeguards, and a committee was appointed to consider the subject and report the result of their investigations to the freeholders of the town. They recommended

That there be forthwith a larg penn made and a small house built for the shelter for herdsmen, in a convenient place where land afterwards may be improved for tillage, if the Towne see meet. Also that two herdsmen be provided to attend and follow the cattle the whole somer carefully to keep the cattle from coming neare the lower commons and penned every night.

This was voted at a Generall meeting of the Towne, April 25, 1665 and that the Selectmen shall have full power to do what is above specified and to build the house and get the pen made.

ANTHONY SOMERBY.*

At a meeting of the Selectmen held April 28, 1666

It was ordered that all swyne that are taken upon any of the cow commons shalbee sufficiently Ringed upon penalty of twelve pence a head to any freeholder that shall Impound them, and if any swyne shall take into any man's ground doing damage in corne pasture or meadow or otherwise not being sufficiently yoaked and Ringed the owners of such swyne shall pay all damages and twelve pence a head to any one that shall Impound them.*

March 16, 1667-8, the above order was again adopted, with

* Town of Newbury Records, vol. I.

this additional clause : "provided the fence viewers do judge. the fence is as ordered against Great Cattle."

Horses, and cattle belonging to the dry herd, were not allowed to feed on the lower commons during the summer season. They were to be fettered, confined in private enclosures, or placed in charge of the herdsman and driven to the upper common.

June 12, 1666, the Selectmen "Ordered that all horses, mares & geldings (except yearlings) that are in the home Comons (as at Old Towne, the necke & on this side the Mill River & so within a mile of the house lots at new towne) shall within three days forthwith of the date hereof, be cleared away from the said comons and not to be suffered to continue to feed thereon under the penalty of two shillings p^r head unto any freeholder that doth impound them, excepting also such as the freeholders do constantly make use of for their necessary Employment, the which are also to be sufficiently fettered or else not to go upon the said comons under the penalty of three shillings per head unto any freeholder that doth Impound any such horsebeast from off the said comons : also all dry cattell (except such as are permitted to go in the home comons) shall bee cleared out of the said comons within two days of the date hereof under penalty of twelve pence p^r head to any freeholder that doth impound them provided they be not such as have bin delivered to the keeper." *

At a meeting of the selectmen held May 27, 1668, it was "ordered that all dry Cattell, that is to say all cattell except milk cowes & working oxen & yearlings shalbe cleared out of the cow comons to morrow under penalty of paying two shillings for every beast that shall be found upon the cow comons after to-morrow [] drive them up into the dry herd comons & every Inhabitant are hereby injoynd to pay to the dry herdsman for all such cattell, as well the farmers as others, whether their cattell go up to the herdsman or not, if they go in any part of the Townes comons and every Thursday in every weeke the herdsman is to attend to drive up all such cattell if any come down after they be put up." *

* Town of Newbury Records, vol. I.

April 27, 1670, the selectmen ordered

All dry cattle to be cleared out of the commons between this and the sixteenth of May next under penalty of two shillings a head to be levied upon the owners of such cattell that shalbe found vpon the commons after that day, except such as shall come doune againe from the dry herd & if any come doune the herdsman is to attend every thursday to drive up such as shall come doune, and the farmers are to pay for their cattell as well as others whether they be drove up or not.

Also all horses & horse kind are to be cleared out of the commons by the twentieth of May . . . except such horses as are in common vse for mens necessities and they are to be fettered and clogged. *

Similar orders were annually issued until the upper commons were divided among the freeholders of the town in 1686.

The order for 1676 reads as follows :—

All Dry Cattle shalbe cleared out of the Cow Comons. And the Day appointed for the heardsman to Drive them up is thursday . . . the tenth day of this present month and all from the pound to the old Towne shall then be brought to the pound and all the rest to meet the heard in the way as they shall go along. And such dry Cattle as shalbe found on the Cow Commons after the tenth Day of May above said, their owners shall pay two shillings a head to the keeper, except it be such as had bin drove up & doe come down againe and they to be presently drove up againe by the 16th of May.*

April 19, 1677, the selectmen issued the following notice :—

Whereas there was an order published March 27, 1677 that all horses & horsekind should have bin cleared out of the Cow Commons by the tenth day of April last past & there is nothing done about it, This is to give notice to the Towne that next Munday there is appointed men to Drive to the said Commons & to Impound all such horses or horsekind that are not fettered or clogged (according to that order) that are found upon the Cow Comons then, & their owners shall pay two shillings a head to the Impounders for every head that are so Impounded.*

At a meeting of the selectmen held May 31, 1680, "It was ordered that all dry cattle that goes in the Towne Commons shall pay to the Dry herdsman as much as they doe that are driven up to Artechoke And all Inhabitants are

* Town of Newbury Records, vol. I.

hereby required to drive all their dry cattell up to Artechoke Comons And John Webster & Moses Little & Henry Somerby are appointed to cleare the Cow Comons & to impound all horses & horsekind that are found unfettered upon the Cow Comons & to have two shillings a head according to Towne order to be paid by the owners, or else in case of refusall to be Leavyed on their estate by the Constable." *

In the spring of 1672, William Bolton was employed "to keep the dry heard, as formerly, and drive up the cattle when they come down, receiving from the owners twelve pence a head for his services." He evidently continued to serve in that capacity for ten years or more. March 22, 1681-2, the selectmen agreed with him to begin the first day of May next to drive the cattle to the upper commons "for sixpence a head to be paid in Malt or Indian Corne"; and May 20, 1685, he was chosen "to keep the dry cattell in the upper Commons above the hedge, and to take care for y^e repaying of such breaches as should be in the hedg from time to time."

In order to prevent, if possible, the taking of wood and timber from the comons, and the pasturing of cattle there, by persons not entitled to that privilege, "Capt. Gerrish, Left Woodman Sen^r & John Knight were chosen" at a meeting of the freemen and freeholders held May 8, 1674, "to Joyne with the selectmen to agree upon & prosecute an order against non-freeholders for this year ensuing for their fire wood, timber, feed for their cattle, horses, sheep & swyne going on the Comon, and the non-freeholders are hereby warned to appeare next Wednesday come seavenight at seaven of the clocke in the morning at the Ordinary." *

June 18, 1675, this committee, having in the mean while been authorized to make all needful rules and regulations for the protection of the wood, timber, and pasturage of the comons, ordered "that every non-freeholder shall pay for every horse, or horsekind, going upon the comon, five shillings to the Towne & two shillings & sixpence a head for every neat beast, and five shillings for every score of sheep & twelve pence a head for every swyne to be paid to the constable for the

* Town of Newbury Records, vol. I.

Townes use every year, and two & sixpence for every load of wood, to be paid In when the Towne Rate is & in case they do not pay then they shalbe distrained by the Constable & pay double what is above expressed." *

SHEEP AND SHEEP PASTURES.

Previous to the year 1665 the freeholders of Newbury paid little attention to the raising of sheep, but subsequently several large flocks were kept near the centre of the town.

May 27, 1668, they ordered "that every Inhabitant of this Towne whose sheep goeth upon the Comons shall mark his sheep with a peculiar pitch marke when they are shorne under penalty of twelve pence the head for every such sheep that shall be found unmarked," etc.*

April 27, 1670, the selectmen ordered that in consequence "of the great Damag that sheep doth in Meadowes, pastures & corne fields" . . . "all sheep that goes upon the Comon shall go under a keeper & after they are shorne they shall have the peculiar pitch mark of their owners set upon them." *

April 19, 1677, they ordered "that the two flocks of sheep that goes in the middle part of the Towne (viz:) the flock which was called Henry Shorts flock shalbe kept within the bounds of Henry Jaques corner of his pasture over to the end of Amos Stickneys land next Trotters Bridge as far as the Pine Swamp & stony brooke. And that flock that was called M^r Peirces flocks shall go from the said Jaquesses pasture & Sticknyes corner as far as James Smiths & so over Trotters Bridge so far as stony brooke. And the sheepards are to looke to their flocks that they Do no Damage in any man's propriety on penalty of paying the Damage, and they are hereby forbidden to medle with any other sheep that do not belong to their flock unless by accident they shall mixe, and in such a case they shall part them againe with speed & returne them or else they shall pay all Damages the owners may or shall sustaine by it." *

May 14, 1677, the freeholders of the town ordered that

* Town of Newbury Records.

sheep belonging to the inhabitants of neighboring towns "shall not be allowed to feed on the commons but shall be removed forthwith."

March 14, 1681-2, the bounds and limits of the sheep pastures were defined as follows:—

All sheep shall be kept in that part of the commons where their owners live. The inhabitants of the old town to keep their sheep there. The next flock to be kept from Lob's pound and over the mill bridge to Henry Jaques his pasture. And the next flock from thence to James Smith's and over Trotter's bridge. And the inhabitants from James Carrs to Mr John Sewalls and Jacob Toppanes are the frog pond flock and their range shall be the Aps swamp from James Smith to George Marches bridge and dismall ditch and Robin's pound, and Moses Pillsbury and the further end of the towne are to have the plaines for their flock."*

"Lob's pound" was near the residence of the late Hall J. Leigh; "Mill bridge," now Four Rock Bridge, was over Little river; Henry Jaques's pasture was at a bend in the road leading to the mill, now known as Morse's corner; James Smith's farm was near the brick-yards; and "Trotter's bridge" was over a branch of Little river in Floyd's lane.

In 1683, seven hundred and four sheep, owned by sixteen persons, were pastured in the "third range," extending from Henry Jaques' pasture to James Smith's farm and Trotter's bridge.†

At a meeting of the selectmen held May 31, 1688, the bounds and limits of the sheep pastures were readjusted.

It was then ordered that for the old Towne flock y^e bounds are w^{thin} the Compas of the old Towne as far as y^e Widdow Knights.

And for that flock y^t is known by y^e name of Henry Shorts flock the bounds on the Towne side at the River is from Henry Shorts land on the southeast, all the comons as far as a run of water that runs out of Mr Gerrish's pasture running by Stephen Jaques's pasture & so into Capt Noyes's meadow wch s^d run of water is the northwest bounds of s^d flock & on the other side of the Mill River the Stony Brooke at the mouth of it is the Bounds & so upwards into the woods by that branch of it that runs by Abram Adams his field & so by the great Black ash swamp & so up into the woods.

* Town of Newbury Records.

† Coffin's History of Newbury, p. 139.

For the flock known by the name of Capt Peirces flock y^e southerly bounds is bounded by the flock afores^d & y^e northwest bounds as far as James Smiths on this side of the River & over the Mill River at Trotters Bridg the northwest bounds is the slough that runs into John Atkinsons meadow & so up into the woods westerly

For the ffrog pond flock y^e southerly bounds is the slough w^{ch} is the northerly Bounds of the flock afores^d & from thence to James Smiths & y^e northerly bound is to run uppon a straight line from Moses pilsburys to Joseph Littles.

For the Artichoak flock the southerly bounds is from Moses pilsburys to Joseph Littles on a Straight Line." •

DOCTOR HENRY GREENLAND.

March 31, 1663, John Emery was presented to the court at Ipswich "on suspicion of breaking y^e law in entertaining Mr. greenland foure months."† At the session held May 5, 1663, "he was fined four pounds and costs & fees for entertaining strangers." ‡ May 21, 1663, he sent the following petition to the General Court, signed by himself, the selectmen of Newbury, and other inhabitants of the town :—

To the Honr^d Generall Court now assembled at Boston, the Humble petition of John Emery humbly sheweth :

That your petitioner dwelling in Newbury, It so fell out by the providence of God that a certaine gentleman (namely Mr Henry Greenland) coming from England upon his occasion was by reason of his Aquaintance with Capt Barefoote &c inclinable to settle in y^e country if hee liked & to make use of his practice of phisick & chirugery amongst us : But beeing as yet unsettled & uncertaine where to fix until his wife (whom he hath sent for) did come, By reason of some employment by y^e providence of God presented itself to him, He was necissarily put upon it to reside neer such patients as had put themselves into his hands for cure : Among which one being more than ordinarily dependent Hee desired entertainment And your petitioner did for y^e reason above mentioned Receive & entertain him this winter past for which I am fined foure pounds by y^e honr^d court at Ipswich for Breach of a Law, not having (at first) License under the hand of a magistrate. Hee himself being a stranger & not knowing the Law nor your petitioner . . . The Humble request of your petitioner is That this honr^d Court would be pleased to

• Town of Newbury Records.

† Court Files (Salem), vol. ix., leaf 23.

‡ Ipswich Court Records, vol. E, leaf 118.

remitt y^e saide fine (It Being not done in Contempt, but only as necessarily occasioned as above s^d) wherein y^e gentleman hath (by God's blessing) been Instrumentall of much good by his calling both in Physick and Chyrurgery and your poor petitioner shall ever pray :

We the Selectmen & such others as are subscribed, Considering the usefulness of Mr Greenland in respect of his practice in our towne do humbly desire the same if this honr^d court please.

John Pike	Richard Loell
Richard Thurlo	Antony Somerby
Abraham Toppan	John Mearell
John Bayley	Archelaus Woodman
Thomas Blumfield	Sam : Poore
Peter Godfrie	Edw : Richardson
James Ordway	Robert Coker
Lionel Worth	Richard Fits
Stephen Swett	John Cheney, Jun
Anthony Morse, Sen	John Wilcutt
Willi : Sayer	Robt Adams
Abell Huse	Lanslet Granger
John Cheney, Sen	Anthony Short
James Jackman	John Knight
Joseph Plumer	Peter Toppan
John Parker, Sen	Jeremy Gutridge
Thomas Brown	Thomas Hale Jun
William Titcomb	John Poore, Sen
Richard Bartlet	William Morse

(And others whose names are illegible).

(28) 3. 63 The Mag^{ts} have considered the grounds of this Pet^a & consent not to any revision of the Coun : Courts sentence.

THO. DANFORTH, p^r., E. R. S.

Consented to by y^e deputys provided they may have y^e ten shillings agayne.

WILLIAM TORREY, Clerk.

The Magis^{ts} Consentyes

EDW : RAWSON, Secy.^o

The indorsements on this petition indicate that the fine of four pounds was remitted, while the costs, amounting to "ten shillings," were retained by the court, although there is no mention of the petition, or of any action upon it, in the Massachusetts Colony Records for the session beginning May 27 and ending June 12, 1663.

Dr. Greenland was evidently a skilful physician, but passionate, unprincipled, and quarrelsome. March 31, 1663, he was charged with making indecent proposals to Mary, wife of John Rolfe. He was convicted and sentenced "to go from hence to the prison, there to remain until the next session of the court and then to be brought forth and whipt unless he pay a fine of thirty pounds." *

He appealed to the Court of Assistants, and gave a bond of two hundred pounds, with Capt. Walter Barefoot and George Goldwire as sureties, to prosecute his appeal. Whether his sentence was revoked or modified in any way is uncertain, as the records of the Court of Assistants for that year cannot now be found.

September 27, 1664, he and Capt. Walter Barefoot were both convicted of an assault on William Thomas and Richard Dole in the ordinary kept by Stephen Swett in Newbury, for which they were fined five pounds each.†

January 12, 1665-6, Dr. Greenland sold to Israel Webster his house with an acre and a quarter of land on the southwest corner of Ordway's lane, now known as Market street, and the way by the river, now Merrimac street, Newburyport; and February 28 his wife, Mary, released her right of dower.‡

He probably removed to Portsmouth soon after the sale of this property, and resided there or in that vicinity for several years. George Fountain, captain of the ship "Marmadin," at the Isle of Shoals, wrote, under date of May 28, 1670, to Mr. Richard Cutts, of Portsmouth, that Mr. Henry Greenland came on board his vessel, and pretended to have some acquaintance with one of the seamen named Robert Gardner, to whom

* Ipswich Court Records (at Salem), vol. i., leaf 115.

† Salem Court Files, vol. x., p. 38. Capt. Walter Barefoot was appointed deputy governor of the Province of New Hampshire in 1680, to attend to the clearing and entering of vessels at Portsmouth. Stephen Swett's ordinary was afterwards known as "the Blue Anchor Tavern." See "Old Newbury," p. 176.

‡ Among the Provincial Papers relating to the Province of New Hampshire are two depositions, dated July 17 and July 24, 1665, made by Robert Carr, Samuel Mavericke, and George Cartwright, commissioners from King Charles the II., in relation to some expressions of disloyalty on the part of Mr. Richard Cutt of Piscataqua river. In these depositions, or certificates, the commissioners promise to protect Mr. Cutt against prosecution "if the said Richard Cutt never molest Thomas Wiggin of Dover or Doctor Greenland of Newbury for giving in evidence against him." New Hampshire Provincial Papers, vol. i., pp. 278, 279.

§ Ipswich Deeds, book IV., leaf 7.

he disclosed a scheme that he said could be made profitable. Enclosed in the letter was the deposition of Robert Gardner, who made oath May 27, 1670, that Mr. Henry Greenland endeavored to induce him and other members of the crew to seize the person of Mr. Richard Cutts, and carry him to England, "say^d that a small number of men might take him and compel his servants to carry down on their backs such money and goods as was sure to be found there; and farther that he would maintain the doing thereof in point of law for the said Cutts had spoken treason against the King." *

What action was taken in regard to the proposed seizure and abduction of Mr. Richard Cutts is uncertain. Subsequently Capt. Walter Barefoot and Dr. Henry Greenland were involved in a law-suit with Abraham Drake, Benjamin Swett, and Henry Green; and the court, held at Hampton "y^e 10th day 8^{mo} 1671," ordered the marshall to levy on the "goods, chattels and land" owned by Capt. Walter Barefoot, "at Kittery Point over against y^e great ysland," and also upon two thousand feet of pine boards owned by Dr. Greenland.†

December 10, 1671, Jochen Jansen, formerly of Amsterdam, Holland, sold to Job Clement, of Dover, and Dr. Henry Greenland, of Kittery, "a good Pinke or Ship called ye Sancta Maria now riding att ancho^r neare y^e great Island in y^e River of Piscataqua." ‡

The following year Dr. Greenland was accused of disloyalty to the government of the Colony of Massachusetts Bay, and was denounced as an impracticable, over-zealous supporter of the king. He was arrested and imprisoned.

May 7, 1673, the County Court at York was ordered to pay the expenses and charges, amounting to four pounds, incurred by Mr. Edward Rushworth in seizing Henry Greenland.§

In answer to a petition from the inhabitants of Dover and Portsmouth for the release of Henry Greenland the General Court declared that "it sees no cause to grant their request." ¶

* Massachusetts Archives, vol. ix., p. 283. The letter and deposition are certified copies of original papers on file in the County Court at Dover, where Dr. Greenland evidently made answer to the charge brought against him by Mr. Richard Cutts, who was one of the magistrates appointed by the Colony of Massachusetts Bay for the towns of Dover and Portsmouth.

† Norfolk County Deeds, vol. ii., p. 342 (228, 229). ‡ Ibid., vol. ii., p. 363 (243).

§ Massachusetts Colony Records, vol. iv., part II., p. 555. ¶ Ibid., p. 557.

At the same session, in answer to the petition of Mary Greenland, the General Court ordered "that Henry Greenland haue liberty to returne into this jurisdiction & abide here vntill the first of September next, for the disposing his estate & remooving his family, provided he doe in other respects observe the order of the court of assistants and depart after the tyme expired." *

LAWS RELATING TO THE PUNISHMENT AND ENTERTAINMENT OF QUAKERS.

The first Quakers that came to New England were two female preachers, Mary Fisher and Ann Austin, who arrived at Boston in July, 1656, bringing with them a considerable number of books advocating and defending their peculiar religious views and opinions. The books were taken from them and publicly burned in the market-place. The women were thrown into prison, and not long after sent back to England.

The General Court in vigorous language declared, October 14, 1656, "Whereas there is a cursed sect of hereticks lately risen vp in the world w^{ch} are commonly called Quakers who take vpon them to be immediately sent of God, and infallibly asisted by the spirit to speake & write blasphemouth opinions, despising government & the order of God in church & commonwealth, speaking evill of dignities, reproaching and reviling magistrates and ministers, seeking to turne the people from the faith & gaine proselites o theire pernicious wayes," etc., the master of any vessel bringing "any knoune Quaker or Quakers, or any other blasphemous hereticks," into any town or harbor within the limits of the colony, shall pay a fine of one hundred pounds for each offence, and the Quakers themselves shall be severely whipped and sentenced to hard labor in the house of correction. The importation of Quaker books was also prohibited, and any person concealing one of these books in his house was liable to a fine of five pounds. †

October 14, 1657, this law was amended, and a fine of forty shillings imposed upon any person or persons entertaining or concealing Quakers, knowing them to be such. Constables

* Massachusetts Colony Records, vol. iv., part II., p. 357. † Ibid., vol. iv., part I., p. 277.

and magistrates were vigilant and active in arresting and punishing offenders. Quakers banished from the colony, returning without the consent of the General Court, were liable to be severely whipped, to have their ears cut off, or their tongues bored through with hot irons.*

In 1659, Thomas Macy, one of the early settlers of Newbury, who removed to Salisbury in 1639, was summoned to appear at the General Court and answer to the charge of entertaining Quakers.†

He was unable, on account of illness, to appear at the General Court on the day and hour appointed, but in a letter dated October 27, 1659, wrote as follows:—

This is to entreat the honored court not to be offended because of my non-appearance. It is not from any slighting the authority of this honored court, nor from feare to answer the case, but I have bin for some weeks past very ill, and am so at present, and notwithstanding my illness, yet I, desirous to appear, have done my utmost endeavour to hire a horse, but cannot procure one at present. I being at present destitute have endeavoured to purchase but at present cannot attaine it, but I shall relate the truth of the case as my answer should be to y^e honored court and more cannot be proved nor so much. On a rainy morning there came to my house Edward Wharton and three men more; the said Wharton spoke to me saying they were traveling eastward and desired me to direct them in the way to Hampton, and asked me how far it was to Casco bay. I never saw any of y^e men afore except Wharton, neither did I require their names, or who they were, but by their carriage I thought they might be quakers and told them so, and therefore desired them to passe on their way, saying to them I might possibly give offence in entertaining them, and as soon as the violence of the rain ceased (for it rained very hard) they went away and I never saw them since. The time that they stayed in the house was about three quarters of an hour, but I can safely affirm it was not an houre. They spake not many words in the time, neither was I at leisure to talke with them for I came home wet to y^e skin immediately afore they came to the house and I found my wife sick in bed. If this satisfie not the honored court I shall subject to their sentence: I have not willingly offended. I am ready to serve and obey you in the Lord.

THO MACY.‡

* Massachusetts Colony Records, vol. iv., part 1., p. 308.

† Previous to 1648 "Thomas Macy was granted an house lot of five acres on the neck over the great River." (Proprietors of Newbury Records, vol. ii., p. 39.)

‡ This letter, by order of the governor and council of the State of Massachusetts, was delivered to the Hon. Barker Buswell, of Nantucket, June 13, 1831. It was destroyed by fire, with other valuable documents, when the Nantucket Athenæum was burned in July, 1846. A copy of the original letter is in the Massachusetts Archives, vol. x., p. 255.

Notwithstanding this humble apology the General Court ordered November 12, 1659, "That Thomas Macy pay as a fine the some of thirty shillings and be admonished by the Gouvernor"; and Edward Wharton, who accompanied the Quakers and piloted them from place to place, was ordered "to be whipt wth twenty stripes & comitted to prison." *

The severity and injustice of this sentence induced Thomas Macy, a few months later, to abandon his home in Salisbury, and remove, with his wife and children, beyond the jurisdiction of the colony to the island of Nantucket, then a part of the Province of New York, where he lived for the remainder of his life.†

May 22, 1661, the law providing for the punishment of "heretics and blasphemers" was again amended and made still more stringent. Quakers not having a legal settlement in the colony were liable to be seized by constables, "stripped naked from the midle upwards, & tyed to a carts tayle & whipped thro^h the towne." ‡ In this manner they were taken from town to town, and condemned to imprisonment or death, if they ventured to return.

Some of the prominent Quakers residing in London, aroused by these acts of cruelty, sought and obtained an audience with King Charles II., and induced him to issue the following mandamus, addressed to "John Endicot, Esq., and to all and every other Governour or Governours of our Plantation of New England":—

Trusty and Well beloved, we greet you well. Having been informed that several of our Subjects among you, called Quakers, have been and are imprisoned by you, whereof some have been executed and others (as hath been represented unto us) are in Danger to undergo the Like: We have thought fit to signify our Pleasure in that Behalf for the future, and do hereby require that if there be any of those people called Quakers amongst you, now already condemned to suffer Death, or other

* Massachusetts Colony Records, vol. iv., part I., p. 407.

† He, with Tristram Coffin, Christopher Hussey, R. Swain, Peter Coffin, Stephen Greeleaf, Thomas Barnard, John Swain, William Pile, and others, formed a company for the purchase and settlement of the island of Nantucket, then inhabited by a tribe of Indians. (New England Historical and Genealogical Register, vol. ii., p. 340.) "The Exiles," a poem by John G. Whittier, is founded on this incident in the life of Thomas Macy. (See Whittier's Complete Poetical Works, Cambridge edition, p. 14.)

‡ Massachusetts Colony Records, vol. iv., part II., p. 2.

Corporal Punishment, or that are imprisoned or obnoxious to the like Condemnation, you are to forbear to proceed any farther therein: but that you forthwith send the said Persons (whether condemned or imprisoned) over to this our Kingdom of England, together with the respective Crimes or Offences laid to their charge, to the End that such Course may be taken with them here, as shall be agreeable to our Laws and their Demerits. And for so doing these our Letters shall be your sufficient Warrant and Discharge. Given at our Court at Whitehall the 9th day of September, 1661, in the thirteenth Year of our Reign.*

This mandatory letter, or order from the king, was intrusted to Samuel Shattuck, a Quaker of Salem, who was then in England, having been banished from the colony on account of his obnoxious religious views. When Shattuck arrived in Boston, he was admitted to the council chamber in the governor's house. He evidently neglected or declined to remove his hat when brought face to face with the governor.

"Off with the knave's hat!" An angry hand
Smote down the offence; but the wearer said
With a quiet smile, "By the King's command
I bear his message and stand in his stead."

In the Governor's hand a missive he laid,
With the Royal arms on its seal displayed;
And the proud man spake as he gazed thereat,
Uncovering, "Give Mr. Shattuck his hat."

He turned to the Quaker, bowing low:
"The King commandeth your friends' release.
Doubt not he shall be obeyed, although
To his subjects' sorrow and sin's increase.

"What he here enjoineth John Endicott,
His loyal servant, questioneth not.
You are free! — God grant the spirit you own
May take you from us to parts unknown." †

The letter from the king was read to the deputies and magistrates of the General Court, November 27, 1661; and the following order was then adopted: —

Although wee hope & doubt not but that if his Majty were rightly informed he would be farre from giving them [the Quakers] such favor,

* Ecclesiastical History of New England, by Joseph B. Felt, vol. II., p. 282.

† "The King's Missive," by John G. Whittier.

or weakening his authority here so long & orderly settled, yet that we may not in the least offend his Majty, the Court doth hereby order & declare that the execution of the laws in force against Quakers as such so far as they respect corporall punishm^t or death be suspended until this Court take further order.*

June 28, 1662, the king, in reply, notified his "loyal subjects in New England" that certain laws and ordinances "contrary and derogatory to his authority and government" must be annulled or repealed. He also declared "that such as desire to use the Booke of Common Prayer & performe their devotions in the manner established in England" should be allowed that privilege, "& that all persons of good & honest liues & conuersations be admitted to the sacrement of the Lords Supper, according to the Booke of Common Prayer & their children to baptisme. Wee cannot be understood hereby to direct or wish that any indulgence should be granted to those persons commonly called Quakers, whose being [] inconsistent with any kind of government. Wee have found it necessary, by the advice of our Parliament here, to make sharpe lawes against them, and are well contented that you doe the like there." †

With this assurance from the king that severe measures, adopted for the government and control of Quakers, would not be annulled by Parliament, the General Court, October 8, 1662, revived the law passed in May, 1661, with some modifications, providing that Quakers should be whipped through not more than three towns, and that the number of stripes to which they should be subjected should be limited by the magistrates. ‡

Under the provisions of this law the following order was issued by Capt. Richard Waldron, magistrate at Dover:—

To the constables of Dover, Hampton, Salisbury, Newbury, Rowley, Ipswich, Windham, Linn, Boston, Roxbury, Dedham, and until these vagabond Quakers are out of this jurisdiction.

You and every of you are required in the Kings Majestys name to take these vagabond Quakers, Anna Colman, Mary Tompkins and Alice Ambrose, and make them fast to the carts tail, and drawing the

* Massachusetts Colony Records, vol. iv., part II., p. 34.

† Ibid., vol. iv., part II., p. 165. ‡ Ibid., vol. iv., part II., p. 59.

cart through your several towns, to whip them upon their naked backs not exceeding ten stripes apiece on each of them in each town, and so convey them from Constable to Constable till they are out of this jurisdiction, as you will answer it at your peril, and this shall be your warrant.

Per me

RICHARD WALDRON.

At Dover, dated Dec. 22, 1662.*

In Dover, Hampton, and Salisbury the above order was executed; but in Newbury, Walter Barefoot, afterwards deputy governor of the Province of New Hampshire, put a stop to the further punishment of "these vagabond Quakers," and sent them out of the colony, claiming that under the law they could not be whipped in more than three towns.

Two of the Quakers named in the above order, Mary Tompkins and Alice Ambrose, visited Newbury on their way to Dover, and were then entertained by John Emery, as appears from the following statement:—

Edward and George Preston, and Mary Tompkins and Alice Ambrose, alias Gary, passed eastward to visit the seed of God in those parts, and in their way through Newbury, they went into the house of one John Emery, (a friendly man,) who with his wife seemed glad to receive them, at whose house they found freedom to stay all night, and when the next morning came, the priest, Thomas Parker, and many of his followers came to the man's house, and much reasoning and dispute there was about truth; but the priest's and many of the people's ears were shut against the truth. And in the time of their discourse, the wind striving in Mary Tompkin's stomach, making some noise, she having received no sustenance for the space of near forty eight hours, one Joseph Pike, after they were departed the town, said "she had a devil in her."

After a while the priest perceiving that the battle might be too hard for him, rose up and took the man of the house and his wife out of doors with him and began to deal with them for entertaining such dangerous people. They replied they were required to entertain strangers. The priest said it was dangerous entertaining such as had plague sores upon them. Which the woman hearing began to take the priest to do for saying such false, wicked and malicious words but he hasted away. Mary Tompkins called him to come back again and not to show himself to be one of those hirelings that flee and leave their flocks behind them, but he would not turn: and a while after most of the People departed: and when Ipswich Court came thither he was had and fined for Entertaining the Quakers.†

* New Hampshire Provincial Papers, vol. 1., p. 243.

† "New England Judged," by George Biahop (edition, 1702), p. 400.

It appears from an examination of the papers on file at the court-house in Salem that the grand jury on the thirty-first day of March, 1663, presented John Emery for entertaining Quakers, and also for inviting neighbors to come to hear them. May 5, 1663, the case was referred to the next court for settlement.*

The following depositions indicate that John Emery had on several occasions entertained Quakers, and asserted his right to supply them with food and lodging regardless of the restrictions and penalties imposed by the General Court:—

The testimony of Henry Jaques aged about 44 years saith that I heard Joseph Noyes say that after that time that the Quakers had their meeting at John Emerys that he saw two Quakers at John Emerys house, and John Emery bade y^m welcome, and further saith that I heard Joseph Noyes say that John Emery had entertained Quakers, both to bed and table, after the time they had their meeting at John Emerys house, and this he testified before the church at Newbury, and farther I do testify that I heard John Emery and his wife say that he had entertained Quakers and that he would not put them from his house, and used argument for the lawfulness of it.

HENRY JAKUES.

Sworn in Court, May 7, 1663 Before ROBERT LORD, *Clerk*.†

The Deposition of John rolfe, being about the age of 28 years, this Deponent saith that where as John Emery senior did afirme before the honoured Court that he had not entertained any quakers in his house since that time that the meeting was there when Mr parker was sent for & came to them. I Doe testifie that I being at John Emerys, Sr house about 3 weeks after that time did see two Quakers there & I herd him say to them & som others that were there y^t Joseph noyce came to his house & told him that there were two quakers coming towards his house & wish^t him not to entertain them; he sayd if they came to his house they should be welcom & he would not forbid them; there they were when I cam in & there I left them. I was there upon occasion neare an houer & there were p^rsent in goodman Emerys house, wil Ilsley, sen, & John Muselwhite.

Sworne in Court at Ipswich 7 May, 1663

p me ROBERT LORD, *Cleric*.†

The Deposition of Joseph Noyes aged 26 years: This Deponent saith y^t as he was agoing to Goodman Emeries, senior, he overtook two women Quakers, and supposing they would call at y^e house of y^e fore-mentioned John Emmery, he desired him not to entertain y^m. But

* Salem Court Files, vol. ix., leaf 13. † Ibid., vol. ix., folio 10.

whilst he was in discourse, they came into ye house and there staid until he went away. Goodman Emmerie was in ye chamber (as he knows because he yⁿ upon an occasion called out to his wife) his wife being in ye same room with ye Quakers. Y^s was after ye meeting of ye quakers at his house w^m Mr Parker was y^r. Farther he had understood by those y^t w^r eye witnesses y^t two men quakers w^r y^r entertained very kindly to bed and table & John Emmerie shook y^m by ye hand and bid y^m welcome: Ye substance of y^s, he, or his wife in his presence told him, and owned it (according to his best remembrance) more yⁿ once. This also w^s severl days after ye meeting above said.

Taken upon oath 24, 4, 1663 before me SIMON BRADSTREET.*

What disposition was made of this case is uncertain. There is no evidence in the records of the courts held at Ipswich, Salem, and Boston that a verdict was rendered for or against the defendant. March 31, 1663, John Emery was fined four pounds for entertaining Dr. Henry Greenland, "a stranger" not having a legal residence in the town of Newbury; and that sentence probably led the author of "New England Judged," and other writers since that date, to assert that he was fined for entertaining Quakers.

SUBSCRIPTIONS IN AID OF HARVARD COLLEGE.

September 8, 1636, the General Court appropriated four hundred pounds for the establishment of a school or college at Newtowne (now Cambridge); and in 1638 the Rev. John Harvard bequeathed one-half his property and his entire library for its encouragement and support.

In 1642, overseers were appointed; and November 13, 1645, the General Court ordered the deputies of the several towns to recommend that "one peck of corne, or 12^d in money or oth^r comodity be sent to y^e Treasurer for the Colledge at Cambridge" from every family in the colony.†

In 1650, "the President and Fellows of Harvard College" were incorporated, and a charter granted under the seal of the Colony of Massachusetts Bay.

October 19, 1652, the General Court ordered the inhabi-

* Salem Court Files, vol. ix, folio 20.

† Massachusetts Colony Records, vol. ii., p. 26.

tants of the several towns in the colony to choose one or more persons to solicit subscriptions for the support of the college, and to render an account of the same to the governor and deputies at the next session of the court.*

Many towns responded promptly to this appeal, and promised to contribute in proportion to their means. A few asked for further time.

Newberry hath p'mised y^e sum of £15.0.0
 Salisbury will return in two months
 Salem will give answer to y^e committee in 2 months
 Wenham subscribes the sum of £6.10.0
 Reading subscribes the sum of £16.13.0
 Haverhill will give answer in two months
 Lin will give (to be p^d next year) 6.0.0
 Hampton subscribes y^e sum of 17.19.0
 Rowley subscribes the sum of 38.0.0

Boston, Roxbury, Ipswich, and other towns, with more wealth and resources, pledged larger and more substantial sums.†

The collection of the money, however, seems to have proceeded with considerable difficulty, the total receipts falling far short of the promised contributions. The Rev. Henry Dunster, president of the college at that date, gives the various amounts received from the towns in Essex County, as follows:—‡

Lynn	£1. 0.0	Newbury	£1.10.0
Salem	0. 0.0	Salisbury	0. 0.0
Ipswich	5. 0.0	Hampton	0. 0.0
Gloucester	0.12.0	Andover	0. 0.0
Rowley	7. 8.7	Haverhill	0. 0.0

May 15, 1654, the General Court again ordered the towns that had not contributed to the support of the college to appoint some suitable person to receive subscriptions, and forward them to Increase Nowell, a member of the Court of Assistants, "in order that the work of the college may not be retarded."

* Massachusetts Colony Records, vol. iv., part I., p. 101.

† Massachusetts Archives, vol. lviii., p. 23.

‡ History of Harvard University, by Josiah Quincy, vol. I., p. 456.

In answer to this appeal some of the towns responded with small gifts and contributions. Among these gifts were a number of sheep, a pewter flagon, a fruit-dish, a sugar-spoon, and sums of money from five shillings to five pounds.

In 1669, the financial condition of the college was extremely discouraging. The buildings were old and out of repair. Better and more commodious accommodations were needed, and its invested funds amounted to less than one thousand pounds.

In this emergency, John Cutt, Richard Cutt, and Joshua Moody notified the General Court that the inhabitants of Portsmouth would contribute sixty pounds annually for seven years, "to be improved by the overseers of the college for the advancement of good literature there." *

Donations and contributions to be used in the construction of a new library building were urgently solicited by friends of the institution in every town in the colony.

Lynn	subscribed	£20. 0.0	Gloucester	subscribed	£5. 0.0
Ipswich	"	60. 3.2	Andover	"	12.10.0
Rowley	"	40. 8.5	Wenham	"	4.11.5
Newbury	"	21. 4.0	Haverhill	"	18.10.6
Marblehead	"	8.19.6	Bradford	"	9. 3.0
Salisbury	"	17. 0.0	Beverly	"	13. 0.0
Topsfield	"	6. 0.0 †			

The collection of these subscriptions was delayed, however, from year to year; and the selectmen of delinquent towns were at length ordered, May 19, 1680, by the General Court to provide for their payment before September 3, 1680, under penalty of twenty pounds.

At a meeting of the selectmen of Newbury, held February 6, 1679-80, "Joseph Pike constable and Daniel Lunt were chosen to gather the rest of the contribution for the Colledg." ‡

Work was begun on the library building, otherwise known as Harvard Hall, in 1672; but, owing to the delay in the col-

* Massachusetts Colony Records, vol. IV., part II., p. 433.

† History of Harvard University (Quincy), vol. I., p. 508.

‡ Town of Newbury Records, vol. I.

lection of subscriptions, it was not completed until ten years later. It was destroyed by fire in 1764, and with it the most valuable library and philosophical apparatus in America.

Subsequently Nathaniel Carter, Tristram Dalton, Jonathan Jackson, Rev. John Lowell, and Patrick Tracy, of Newbury, with other friends of the college in Boston, Salem, Gloucester, and elsewhere, contributed books and money to repair the loss the college had sustained; and the General Court appropriated the sum of two thousand pounds toward the cost of rebuilding Harvard Hall.

LEATHER DRESSERS.

Nicholas Easton, who came with the first settlers to Newbury in 1635, was probably the first person who carried on the business of tanning in the town. He owned a dwelling-house, with the land under and adjoining the same, on the north bank of the river Parker, and lived there until 1637, when he was disfranchised by the General Court, and soon after removed to Rhode Island. Richard Dole, a dealer in hides and leather, purchased the property, and continued in business there until 1705.*

After the settlement of the new town in 1646, repeated efforts were made to induce some competent leather dresser to establish himself in trade in the vicinity of the "trayneing green."

At a meeting of the ffreemen April 19, 1649 There was granted that Job Clements should have that freehold that the Towne bought, formerly being William Berry his ffreehold, to remaine, abide and continue to him & his heys forever, conditionaly yt he live wth us heere in Newbury exercising his trade four years, or as long as he shall live wthin that Tearme, and also let the shoemakers of this Towne have the first proffer or the forsaking of his leather making him as good pay as others.†

This offer did not prove acceptable to Mr. Clements, and he decided to remain in Haverhill, where he was then residing.

November 10, 1663 Leift Pike proposed for his brother Thomas Turvill for an acre of land near some spring (so that it do not prejudice

* "Ould Newbury," pp. 17 and 18.

† Newbury Proprietors' Records, vol. I., p. 49.

the Towne) for to set up tanning of Leather & Richard Kent & Henry Short were appointed to look out a convenient place neere some spring.*

March 14, 1663-4, at a general meeting of the townsmen "It was voted that there should be an acre of land given to Thomas Turvill between George Littles & Henry Jaquesses provided he follow his trade of Tanning, and in case he leave it in seaven years he shall resigne it up to the Towne, the Towne paying to him all necessary charge he bestows upon it, but hereby they grant him no freehold." *

In 1664, Richard Knight and William Titcomb "laid out to Thomas Thurvill according to the grant of the town an acre of land on the way to the mill." *

On account of physical inability to support himself at his trade the selectmen were ordered September 19, 1670, to send Thomas Turvill to his "kinsman," Henry Short, to be maintained at the expense of the town until his death.

January 24, 1671-2, he conveyed to Ensign Greenleaf and Caleb Moody, selectmen of the town of Newbury, the land that he had received from the town, upon condition that he carry on the trade of leather dresser. Being unable by weakness to perform the condition agreed upon, and feeling obliged to call upon the town for aid and support, he relinquished his right and title to the land in part payment of the charges that had been, and were to be, incurred for his benefit.*

November 27, 1675 the Selectmen Reckoned with Henry Short for keeping Tho: Turvill & there was due to him fourteen pounds & seaven shillings the last day of November.*

Ten years later John Bartlet was a tanner of hides at Bartlet's Cove. In an agreement made March 19, 1686-7, Samuel Bartlet and John Bartlet mention a way "from the north west side of the Cove to the Bark house then standing." † The business was continued in that locality for nearly two centuries.

Anthony Somerby, grandson of the first schoolmaster of

* Town of Newbury Records, vol. I.

† Recorded in May, 1694, by Henry Short, town clerk.

Newbury, was a leather dresser in the vicinity of the "New Pond and Trayneing Green."

Anthony Somerby having proposed to the town for three rods square of Ground at a place commonly known by the name of Gladdings spring, so as may be Convenient for Dressing of leather. The towne by vote granted said proposition viz: The land proposed for, to the said Anthony Somerby.*

Tristram Coffin and Henry Short, lot-layers, "according to a grant of the town of March 8th, 1696-7," laid out on the eleventh day of March following, "to Anthony Somerby a piece of ground of three rods square lying at a place commonly known by the name of Gladdings spring † bounded by the common or undivided land of Newbury on every side. Bounded with a small rock at every corner." ‡

March 27, 1699, Ebenezer Knowlton was granted a lot of land on the Bradford road "for the purpose of setting up a tanners trade" near the land formerly owned by Benjamin Lowell, "bounded westerly by a brook and northerly by the land of Stephen Emery." §

MILLS FOR GRINDING CORN.

In 1645, the only grist-mill in Newbury was at the falls of the Quascacunquen, now Parker river. In that year, or the year immediately preceding, Thomas Nelson built a mill in Rowley, near the dividing line between that town and Newbury, on the Mill river, a branch of the Quascacunquen. He died in 1648; and on the first day of July, 1654, Richard Dummer, of Newbury, executor of the will of Thomas Nelson, "sometime of Rowley deceased," sold to John Pearson "one half part of the corn-mill at Rowley" with land adjoining the same "surrounded with a salt creeke which cometh out of Newbury river." ||

Some doubt having arisen in regard to the right of the

* Town of Newbury Records. v

† Gladdings spring is a few rods southwesterly from the house formerly owned and occupied by the Rev. James Noyes.

‡ Town of Newbury Proprietors' Records.

§ Town of Newbury Records.

|| Ipswich Deeds, book 11., p. 300.

executor to sell the above-described property, a board of arbitrators was chosen to adjust the questions in dispute and determine the amount due from Richard Dummer to Philip and Thomas Nelson, "sons of Thomas Nelson, deceased." They reported October 30, 1657, and again on the twenty-sixth day of November, 1658.* Subsequently, the questions in dispute were referred to the magistrates and deputies of the General Court. October 16, 1660, they declared,

In the case now depending betweene John Peirson of Rowley & Mr Richard Dummer, referring to the sale of a mill & certaine lands, sometimes possessed by Mr Nelson of Rowley, deceased, & now sold by the said Mr Dummer to ye sd Peirson for the vse of the said Mr. Nelsons children, the Court judgeth it meet to confirme the sale of the said mill & land.†

From the testimony of witnesses given in a suit brought by Philip Nelson to recover possession of the property, at the Court held in Ipswich March 29, 1692, it appears that there was a saw-mill "neer ye south end of ye above said grist mill, upon ye land y^e fulling mill [now] stands on the southerly end of said Grist Mill."‡

After the death of Philip Nelson his widow and executrix sold all her right and interest in these mills to John Pearson, jr., son of John Pearson, sr., who retained possession of them for many years. They were owned and occupied by Mr. Pearson's descendants until 1840. Since that date they have been practically rebuilt; and, supplied with new and improved machinery, they are now known as the "Glen Mills" of Rowley.

MILL ON LITTLE RIVER.

For the convenience of the inhabitants of Newbury, who were to remove from the old town on Parker river to the new town on the Merrimack river, in 1645, the erection of a grist-mill near the place now known as "Four Rock Bridge," was authorized by the following vote passed at a town meeting held December 18, 1645:—

* Ipswich Deeds, book I., pp. 221, 222 (591-595).

† Massachusetts Colony Records, book IV., part I., p. 440.

‡ Ipswich Deeds, book V., p. 508.

Whereas the Inhabitants of ye Towne of Newbury at a publike meeting have chosen William Gerrish, John Lowle, Richard Knight, Henry Short, Richard Kent, Jnr, John Pike, Jnr, and William Titcomb for to procure a water mill for to be built and set up in sd Towne to grind theyr corne the sd men have accordingly covenanted & agreed with John Emery & Samuel Scullard to effect & perfect the same on these terms following:

1. That the sd John Emery & Samuel Scullard Do Covenant & promise that the sd Mill shall be sufficiently built & made ready for the Townes use to grind the Townes grists at or before the twenty ninth of September following.

2. They likewise promise that the sd mill shall be sett up between Nicholas Holts poynt & Edward Woodmans Bridge, or near thereabouts, this they promise to perform & make good & do hereby firmly bind ymselves & theyr heys under the penalty of forty pounds forfeiture if not done.*

The committee in behalf of the inhabitants of Newbury agreed to pay John Emery and Samuel Scullard the sum of twenty pounds in merchantable goods; to grant them ten acres of upland and six acres of meadow land; to exempt the mill from taxation for seven years, and acknowledge it to be a freehold to them and their heirs forever.†

Samuel Scullard died previous to October, 1647, and his widow married John Bishop, who purchased John Emery's interest in the mill property. As the lawful successor of Samuel Scullard, deceased, the committee "confirmed upon John Bishop his heirs and assigns" all the rights and privileges originally conveyed by the above-described agreement.

June 18, 1663, he sold the mill to Peter Cheney.‡ Thirty years later there was some controversy in regard to the deed of conveyance; and John Bishop denied, May 30, 1682, selling the freehold when he sold the mill.§

* Newbury Proprietors' Records, vol. I., folio 5. See also Suffolk Court Files, Pemberton Square, Boston, vol. I., No. 86 and No. 12513, for certified copies of above agreement signed by Nathaniel Coffin, "clerc for ye commoners in ye Towne of Newbury."

† "In consideration of John Emery his full satisfaction for his part of the mill land, the Towne Granted unto John Emery ten acres of land lying in the neck, below the House lots, which John Bishop resigned to the Towne for his mill land, to be to ye said John Emery his heys & assigns forever provided yt there be a way in the most convenient place according to the agreement the Towne made with Samuel Scullard." Newbury Proprietors' Records, vol. I., p. 26.

‡ "Ould Newbury," p. 104.

§ Newbury Proprietors' Records, folio 5.

MILL AT ARTICHOKE RIVER.

The freeholders granted, November 22, 1678, to John Emery, jr., "twelve acres of land on the west side of Artichoke River adjoyneing to his owne land, Provided that he build and maintaine a corne mill to grind the Townes corne from time to time, and to build it within one yeare and one halfe after the Date hereof. And the Inhabitants of the Towne to have their corne ground according to their Turnes before any of another towne." *

This mill was probably built during the year 1679 or 1680. December 13, 1686, the town appointed a committee "to lay out a convenient highway of such breadth as they shall see meet thro' the plaines to Sergeant Emerys mill." For more than two centuries the dam with the mill privileges at the mouth of the Artichoke river have been maintained in good order and condition for the grinding of corn.†

Mill on New Road, 17
MILL AT PINE ISLAND.

Upon the petition of John Badger, the town of Newbury, March 8, 1680-1, granted him liberty to use "two rods of land over against his house to set up a mill to make oat-meale."‡ The mill was soon after erected, two or three hundred rods in a northerly direction from Little Hill, on the north side of the highway leading from Parker river to the Merrimack, and was operated by horse power.

May 12, 1715, Nathaniel Badger sold to his brother-in-law Joseph Lunt the house where he then lived, with buildings and utensils belonging to his "oat mill or mault mill," and the land appertaining to the homestead of his honored father, John Badger. §

Cutting Lunt, Nathaniel Lunt, and Lois Lunt, children of Joseph Lunt, owned and operated the mill from 1750 to 1785.

Afterwards Nathan Lunt, son of Cutting Lunt, became owner of one-half the property; and March 2, 1791, he sold

* Town of Newbury Records.

† For further details relating to this mill see "Ould Newbury," pp. 269 to 274.

‡ Town of Newbury Records.

§ Essex Deeds, book XXVII., leaf 18a.

his interest in the land and buildings to Nicholas Lunt, who continued the manufacture of oatmeal and malt there until the year 1810.*

THE MERRIMACK RIVER.

The northern boundary of the colony of Massachusetts Bay, by a strict construction of its charter, extended from a point three miles north of the most northerly part of the Merrimack river and in an easterly and westerly direction from sea to sea. As early as September 6, 1638, the General Court passed the following order:—

Goodman Woodward, Mr John Stretton with an Indian & 2 others, appointed by the magistrates of Ipswich, are to lay out the line 3 mile northward of the most northernmost part of Merrimacke for wch they are to have 5^s a day a peece.†

June 6, 1639, Goodm Nathaniell Woodward was ordered to have three pounds for his journey to discover the ruining vp of Merrimacke: 10^s more was aded by order of the Governor & Deputies.

And they wch went with him, Tho: Howlet, Sargent Jacob, Tho: Clarke & John Manning to have 50^s a peece for their 10 days a peece spent according to the former order; and John Clarke to have [] for going with them & staying for them till their returne.‡

In October, 1641, the government of the colony of Massachusetts Bay was extended to the Piscataqua river by the adoption of the following order:—

Whereas it appeareth that by the extent of the line, (according to or patent,) that the ryver Pascataquack is within the jurisdiction of the Massachusetts, & conference being had (at severall times) with the said people, & some deputed by the Generall Court, for the setteling & establishing of order in the administration of justice there, it is now ordered, by the Genrall Court, houlden at Boston, the 9th day of the 8th mo, 1641 & with the consent of the inhabitants of the said ryver as followeth:

Impr: That from henceforth the said people inhabiting there are & shalbee accepted & reputed under the government of the Massachusetts, as the rest of the inhabitants within the said jurisdiction are &c. §

The heirs of Capt. John Mason protested against this assumption of authority, and claimed control of the territory

* See Essex Deeds, book XCIX., leaf 163; book CII., leaf 33; book CIX., leaf 12; book CXXIV., leaf 204; book CXLV., leaf 148; book CLII., leaf 242; book CCIX., leaf 154; Coffin's History of Newbury, p. 134.

† Massachusetts Colony Records, vol. I., p. 237. § Ibid., p. 261. § Ibid., p. 342.

from the Merrimack river to the Kennebec river, under a charter granted by King James I. in 1622. The General Court, however, reasserted its claim to the disputed territory, and appointed, June 1, 1652, Capt. Symon Willard and Capt. Edward Johnson commissioners "to p'cure such artists & other assistants as they shall judge meete to goe wth them, to finde out the most northerly p'te of the Merrimacke Riuer, and that they be supplied withall ma^rier of necessaries by the Treasurer fitt for their journey, and that they use their vttmost skill and abillitie to take a true observation of the latitude of the place and that they doe it withall convenient speed and make returne thereof at the next session of this Court." *

The commissioners employed Serjeant John Sherman, of Watertowne, and Jonathan Ince, a student at Harvard College, to accompany and assist them in their investigations. October 19, 1652, they reported to the General Court that by careful astronomical observations they found the head of the Merrimack river "where it issues out of the lake called Winnapuscahit" was in the latitude of forty-three degrees, forty minutes, and twelve seconds ($43^{\circ} 40' 12''$), and that the boundary line of the colony, beginning three miles north of that point, extended in an easterly direction to the sea.†

In 1654, Mr. Jonas Clark and Samuel Andrews, "both well skilled in Mathematics," were appointed to mark with a heap of stones, or in some other suitable way, the northern boundary, or limit, of the colony on the seacoast. They reported that a line from lake Winnipiseogee to the Atlantic ocean, three miles north of the latitude given above, would fall upon an island called the "Upper Clapboard Island, about a quarter of a mile from the mayne in Casco Bay." ‡

Over this vast territory the colony of Massachusetts Bay claimed jurisdiction until the year 1679, when the province of New Hampshire was created by an act of Parliament, and the towns of Dover, Exeter, Hampton, and Portsmouth became a part of that province. Subsequently, the boundary line between New Hampshire and Massachusetts was the occasion of a long controversy that was not finally adjusted and settled until 1899.

* Massachusetts Colony Records, vol. iv., part I., p. 98. † Ibid., p. 109. ‡ Ibid., p. 207.

PETITION FOR THE RELEASE OF ROBERT PIKE.

The General Court passed an order, May 18, 1653, declaring it to be unlawful for any person to preach in any town in the colony without the consent of the elders of four neighboring churches or by the approval of the county court. Robert Pike, of Salisbury, boldly denounced this act as an unjustifiable interference with the personal rights and privileges of freemen, and farther said "several churches had called their members to account which did act in that lawe making, and that some places were about to show their minds to the Generall Court about it." *

August 30, 1653, Lieut. Pike was ordered to appear at the General Court and answer for his intemperate zeal and seditious speech. He was disfranchised September 7, 1653, and prohibited from holding public office in the town or in the colony. A fine of twenty marks, equal to thirteen pounds, six shillings, and eightpence, was imposed as an additional penalty; and he was required to give bonds for his good behavior during the court's pleasure.*

The prompt and vigorous measures adopted by the General Court to assert its rights and protect its members from criticism and censure aroused a strong feeling of indignation among the inhabitants of Newbury, Haverhill, Andover, Hampton, and Salisbury. Petitions were prepared and circulated in these towns asking that the fine and punishment imposed upon "Lieutenant Robert Pike" be remitted. Several of these petitions are on file at the State House in Boston, but many of the signatures can hardly be deciphered and some are illegible. The petition from Newbury reads as follows: †—

The humble petition of the inhabitants of Newbury, to the honored General Court now assembled at Boston, sheweth:

That whereas our loving friend, Lieutenant Robert Pike, of Salisbury, hath by occasion, as it is witnessed against him, let fall some words for which the honored Court hath been pleased [to censure him] we having had experience that he hath been a peaceable man and a useful instrument . . . do therefore humbly desire this honored Court that the said

* Massachusetts Colony Records, vol. iv., part I., p. 156.

† Massachusetts Archives, vol. x., leaf 209. See also "The New Puritan," pp. 44 and 45.

sentence may be [revoked] and that the said Lieutenant Pike be . . . restored to his former liberty. So . . . pray &c.

Richd. Kent, Jun.	W ^m Titcombe	Benj Swett
W ^m Moody	John Bartlett	Joseph Swett
Daniel Peirce	Tho. Browne	Steph. Greenleaf
Geo. Little	Richd. Bartlett	Anthony Morse
Saml Moody	Gyles Cromlome	Henry Lunt
Richd. Dole	Aquilla Chase	Solomon Kyes
John Poore	Edw. Richardson	Tristram Coffin
Dan Thurston	W ^m Richardson	Francis Plummer
Joseph Plummer	John Bishop	Sam. Plummer
Richd Thurlly	Sam Poore	Dan Thurston
John Wolcot	John Hutchins	W ^m Cottle
John Hull	W ^m Sawyer	John Rolfe
Rob. Adams	Richd. Fitts	John Muslewhite
W ^m Chandler	John Bond	John Emery, Sen.
John Tillotson	Chris Bartlett	John Emery, Jun.
John Baily	James Ordway	Sam Moore
John Wheeler	Edwd. Woodman	Nich. Batt
Rob. Cooper	Stephen Swett	John Cheney Jun.
Richd. Kent, Sen.	W ^m Ilsly	Daniel Cheney
	Tho Smith.	

This petition, with several other petitions from neighboring towns, was presented to the General Court at a session held May 14, 1654. The deputies as well as the magistrates were evidently disturbed and irritated by this unexpected display of friendship for Lieut. Robert Pike, and promptly appointed a committee of investigation.

In answer to the petition of Hampton, Salisbury, Newbery, Haverill & Andover, subscribed by severall in each toun, this Court cannot but deeply resent that so many psons of seuerall townes, condicions & relations, should combine together to psent such an vnjust & vnreasonable request as the revoaking the sentance past the last Court, ag^t Left Robt Pike & the restoring of him to his former libertie, without any petition of his oune, or least acknowledgment of his great offence, fully proved against him, which was no lesse then defaming this Court, and charging them wth breach of oath &c w^{ch} the petitioners call some words lett fall by occasion. The court doth therefore order in this extraordinary case, that Mr Bradstreet for Hauerill & Andover, Cap^t Wiggins for Hampton, Cap^t Gerrish & Nicho Noies for Newbery, & Mr Winsly & Mr Bradbury for Salisbury, shall & heereby are appointed Comissioners to call the said petitioners in the seuerall townes together, or so many of them

at a time as they shall think meete & require a reason of their vnjust request & how they came to be induced to subscribe the sd petition & so make their retourne to the next sessions, that the Court may consider how to pceed farther therein.*

In October, 1654, Capt. William Gerrish and Nicholas Noyes reported to the General Court the reasons given for signing the petition by the men of Newbury:—

Francis Plummer and Robert Morse say the reason is because he is a useful man, and thought they might petition without offence. It was in the liberty of the Court to accept it or reject it and . . . they could not see they had done amiss in petitioning.

John Bishop being desired to go into the meeting house to explain . . . about the petition he said he could not stay, but the constable said he must. He came into the house before us; said, would the General Court have the reasons, they are in the petition, and that was all he would say, and so turned his back and away he went.

Benjamin Swett saith every free subject hath liberty to petition for any that had been in esteem, without offence to any.

John Emery demanded our Commission and the sight of the petition, and then would answer. Being produced, he answered we had no power to demand who brought him the petition; and hearing John Bond make answer, told him he was a wise man in a bold, flouting manner. His carriage we conceive was [insulting].†

Others said they were friends of Robert Pike and out of respect for him they petitioned for his release, while others confessed that they were ignorant of the words spoken by him & sentence imposed upon him by the Gen. Court and intended no offence to that honorable body in asking for his release.

After a careful examination of the answers returned by the men from Newbury and other towns in the vicinity, the General Court ordered November 1, 1654, the petitioners whose answers were not satisfactory to appear at the county court and give bonds in the sum of ten pounds to answer for their several offences. The names of the Newbury men "to be summoned by warrant from the clerk of the court" were: "Jno Emery, Sen, Jno Hull, Jn^o Bishop, Benjamin Swett, Daniell Thirston, Jun. Joseph Plomer, Daniell Cheny, Jn^o Wilcott." ‡

* Massachusetts Colony Records, vol. iv., part I., p. 394.

† Massachusetts Archives, vol. x., p. 299. "The New Puritan," pp. 44 and 45.

‡ Massachusetts Colony Records, vol. iv., part I., p. 215.

The objectionable order relating to public preaching in the colony was repealed August 30, 1653; but at the same time it was enacted "that every person that shall publish and maintaine any hetrodoxe and erronjous doctorine shalbe lyable to be questioned and censured by the County Court where he liveth according to the meritt of his offence." *

The sentence imposed upon Lieut. Pike was not revoked until several years later, as appears from the following order adopted by the General Court October 23, 1657:—

In ans^r to the peti^on of Robert Pike, humbly desiring y^e courts favor his fine being paid, to remitt to him & release him from the other pte of the Courts former sentence against him, Mr Worcester y^e pastor of y^e church at Salisbury appearing on y^e behalfe of the peti^oner and acknowledging himself much bound to the court if they would be pleased to graunt y^e said Pikes request, the court grants his request.†

NEWBURY IN 1654.

In the thirty-first chapter of the history of New England, otherwise known as "Wonder Working Providence of Sions Saviour," by Edward Johnson, printed in London in 1654, is the following description of Newbury:—

In the latter end of this yeare (1634) two sincere servants of Christ inabled by him with gifts to declare his minde unto his people, came over this broad Ocean, and began to build the Tenth Church of Christ at a Towne called Newberry, their names being Mr. James Noise and Mr. Thomas Parker, somewhat differing from all the former, and after mentioned Churches in the preheminance of their Presbytery, and it were to be wished that all persons who have had any hand in those hot contentions, which have fallen out since, about Presbyterian and Independent Government in Churches, would have looked on this example, comparing it with the Word of God, and assuredly it would have stayed (all the godly at least) of either part from such unworthy expressions as have passed to the grief of many of Gods people; And I doubt not but this History will take of that unjust accusation and slanderous imputation of the rise of that fload of errors and false Doctrines sprung up of late, as flowing from the Independent or rather Congregationall Churches. But to follow on, this Town is situate about twelve miles from Ipswitch, neere upon the wide venting streames of Merrimac River,

* Massachusetts Colony Records, vol. iv., part I., p. 151. †Ibid., p. 312.

whose strong current is such that it hath forced its passage through the mighty Rocks, which causeth some sudden falls, and hinders Shipping from having any accesse far into Land, her bankes are in many places stored with Oken Timber of all sorts, of which that which they commonly call'd white Oke is not inferiour to our English Timber; in this River lie some few Islands of fertill Land, this Towne is stored with Meddow and upland which hath caused some Gentlemen (who brought over good Estates, and finding then no better way to improve them,) to set upon husbandry, amongst whom that Religious and sincere hearted servant of Christ Mr. Richard Dummer, sometime a Magistrate in this little Common-wealth, hath holpen on this Town; their houses are built very scattering, which hath caused some contending about removall of their place for Sabbath-Assemblies; their Cattell are about foure hundred head, with store of Corne-land in tillage, it consists of about seventy families; the soules in Church fellowship are about an hundred, the teaching Elders of this Congregation have carried it very lovingly toward their people, permitting of them to assist in admitting of persons into Church-society, and in Church-censures, so long as they Act regularly, but in case of their male-administration, they assume the power wholly to themselves, their godly life and conversation hath hitherto been very amiable, and their paines and Care over their flock not inferiour to many others, and being bound together in a more stricter band of love than ordinary with promise to spend their dayes together (if the Lord please)* . . .

In the fourteenth chapter, Book Second, the Merrimack river is described as follows:—

Salsbury being seated upon the broad swift torrent of Merrimack, a very goodly River to behold were it not blockt up with some suddaine falls through the rocks: over against the Towne lyeth the Towne of Newberry, on the Southern side of the River, a constant Ferry being kept between; for although the River be about half a mile broad, yet, by reason of an Island that lies in the midst thereof, it is the better passed in troublesom weather; the people of this Towne have of late placed their dwellings so much distanced the one from the other, that they are likely to divide into two churches; the scituation of this Towne is very pleasant, were the River Navigable farre up, the branches thereof abound in fair and good medowes with good store of stately Timber upon the uplands.†

NEWBURY IN 1660.

When Governor Winthrop arrived in New England in 1630, Samuel Maverick was settled at Noddle's Island, now

* Massachusetts Historical Collections, Second Series, vol. III., p. 144.

† Ibid., vol. vii., p. 18.

East Boston, and had been there for several years. In 1660, Maverick is supposed to have written the following account of Newbury and other towns on the Merrimack river:—

Seven Miles to the Southward of Hampton is Meromack River on the Mouth of which on the North side is seatted a Large Towne called Sallisbury, and 3 miles above it a village called old Salisbury where ther is a Saw Mill or two. The commodities this Towne affords are Corne, Cattle, Boards and Pipe Staues.

Four leagues up this River is Haverell, a pretty Towne & a few miles higher is the Towne of Andouer, both these Townes subsist by Husbandry.

At the mouth, on the southside of Meromeck and upwards, is seated the Towne of Newbury. The Houses stand at a good distance from each other, a feild and Garden between each house, and so on both sides the street for 4 miles or therabouts; betweene Salisbury and this Towne the river is broader than the Thames at Deptford, and in the summer abounds with sturgeon, salmon, and other ffresh water fish. Had we the art of takeing and savinge the sturgeon it would prove a very great advantage, the Country affording vinegar and other materialls to do it withall. In this Towne and old Newbury adjoining are 2 meeting-houses.*

DIVIDING LINE BETWEEN NEWBURY AND ROWLEY.

A farm of three hundred acres was granted Edward Woodman, in 1660, by the General Court; but it was subsequently claimed that the land had previously been granted to the inhabitants of Newbury, that it was wholly within the limits of the town, and that the order of the court should be reconsidered and repealed.

The order, adopted October 16, 1660, reads as follows:—

In answr to ye petition of Mr Edward Woodman, humbly desiring the favour of this Court in graunting him a parcell of land lying betweene Rowley & Newbury lynes, the Court judgeth it meete to graunt him three hundred acres there.†

May 21, 1661, the subject was again brought to the attention of the General Court, and the following order was then passed:—

* New England Genealogical Register, January, 1885, p. 33.

† Massachusetts Colony Records, vol. iv., part I., p. 440.

In answer to the petition of the inhabitants of y^e toune of Newbury, the Court, having heard the petitioners in behalfe of the toune of Newbury & Mr Woodman, relating to Newbury l^{ine} & this Courts grant of a farme of three hundred acres of land in October last, finding that the l^{ine} of Newbury bounds being, for at least twenty years, lajd out adjoyning to Rouley l^{ine} & perambulated according to order of this Court, shall be & remajne to Newbury without any farther challenge or clajme from any toune or person, and that Mr Woodman's grant as to y^t place is heerby declared null & void, Mr Woodman hauing consented thereto, yet are willing to allow Mr Woodman his three hundred acres formerly granted in any free place not formerly graunted & not hindering a plantation.*

At a meeting of the selectmen of Newbury, held May 3, 1669, it was voted "that ffancis browne & John Emery, Jun^r, shall go next Munday to meet Rowley men at Rowley Mill to go with John Knight or John Poore to run the lyne between our bounds & Rowley." †

John Peirson, sr., and Philip Nelson, who were appointed April 9, 1672, by the inhabitants of Rowley, to run the line between that town and Newbury, "did so do on Monday, April 15, 1672." †

PENNACOOK, N.H., AND WOODBRIDGE, N.J.

Although land in Newbury was abundant, the soil fertile, and the "upper woods" undivided until the close of the year 1686, many of the early settlers were induced, by various considerations, to remove with their families to places more or less remote, where they could unite with others in the organization and development of new towns. They were prominently identified with the settlement at Salisbury, at Hampton, at Rowley, at Haverhill, and at Andover, previous to the close of the year 1645. In 1659, they obtained the right to establish a town "at a place called Pennecooke," now Concord, N.H.; and the same year they were granted, conditionally, a tract of land large enough for a township on the banks of the Saco river.

The petition for liberty to settle at Pennacook reads as follows:—

* Massachusetts Colony Records, vol. iv., part II., p. 7.

† Town of Newbury Records.

TO THE HONERED COURTE NOW ASSEMBLED AT BOSTON:

The humble petecyon of us whose names are underwritten, beinge inhabytant of this jurisdiction, and beinge senseable of the need of multiplyinge of townshippes for the inlargemeant of the contrey and accommodateinge of such as want opportunity to improve themselves, have taken into consideration a place which is called Pennecooke, which by reporte is a place fit for such an one. Now the humble request of your petitioners to this honred Courte is, that we may have the grant of a tracke of land there to the quantity of twelve miles square, which, being granted, we shall give up ourselves to be at the cost and charge of vewing it, and consider fully about it, wheather to proceed on for the settlinge of a towne or noe, and for that end shall crave the liberty of three yeares to give in our resolution; and in case that wee doe proceed, then our humble request is, that we may have the grant of our freedome from publique charge for the space of seaven yeares after the time of our resolution given into the Honerd Courte for our encouragement to settle a plantation soe furr remote as knowinge that many will be our inconvenyences (for a long time) which we must expectt to meet with, all which desires of ours beinge ansered, your petetioners shall ever pray for the happyyness of this Honred Courte, and rest your humble petitioners.

RICHARD WALDERNE	JOHN BAYLEY
VALL: HILL	JOHN CHEINEY
PETER COFFIN	NATHANIEL WEARE
his	ROBARD COKER
JOHN X HIRD	JOHN POORE
mark	ROBERT ROGERS
WILLIAM FFURBUR	EDWARD RICHARDSON
ROGER PLAISTEED	WILLIAM COTTON
EDWARD WOODMAN	JOHN WOLCOTT
JOHN PIKE	JOHN BOND
ABRAHAM TOPPAN	WILLIAM TITCOMB *
BENJA: SWETT	
GEORGE LITTELL	

May 18, 1659, a committee consisting of Thomas Danforth, Edward Johnson, and Eleazer Lusher reported in favor of granting the petitioners a plantation eight miles square, provided they report to the General Court in October, 1660, their resolution to carry on the work, "and that within two years then next ensuing there be 20 families ther settled." The deputies and magistrates accepted this report, "and consented

* Massachusetts Archives, vol. cxii., pp. 117, 118. Richard Walderne, Vall: Hill, Peter Coffin, John Hird, William Furber, and Roger Plaisted, who signed the above petition, were from Dover, N.H.: the other patitioners were from Newbury.

thereto"; but the conditions imposed upon the petitioners were not complied with, and the grant was subsequently declared forfeited. Concord was not settled until nearly seventy years later. January 17, 1725-6, the General Court of Massachusetts, "William Dummer, Lieut Governor, consenting thereto," appointed a committee of nine to lay out a township at Pennacook "where Contocook river falls into Merrimack river." Rev. Enoch Coffin, son of Nathaniel Coffin, of Newbury, accompanied the committee as chaplain, and encamped with them at a place called "Sugar Ball plain" Friday, May 14, 1726, and on the Sunday following "performed divine service both parts of the day." House lots were laid out and surveyed, and in 1727 they were assigned to proprietors who had previously been appointed or elected by the committee. February 27, 1733-4, the plantation was incorporated "a separate and distinct township by the name of Rumford."

In 1740, the northern boundary of Massachusetts was definitely fixed and established, by the king and his council, "beginning at a point three miles north of the Merrimack river at its mouth and thence following the course of that river to a point due north of Pawtucket Falls." By this decision the town of Rumford, now Concord, fell within the limits of the province of New Hampshire.

Among those who received six acres or more in the first division of land made at Pennacook, in 1727, were the following men from Newbury: Rev. Enoch Coffin, Rev. Bezaleel Toppan (son of Rev. Christopher Toppan), Thomas Coleman, Joseph Hale, Andrew Mitchell, Henry Rolfe, and Samuel, son of Samuel, and grandson of Dr. Peter Toppan.*

A petition in regard to a new plantation on the Saco river was granted by the General Court November 12, 1659, as follows:—

In ans^r to the peti^{ti}on of Mr Edward Woodman & other inhabitants of Newbury, humbly craving the favor of this Court to graunt them a new plantation on Saco River westward of the bounds of Saco &c. the Court judgeth it meete to graunt the petitioners eight miles square in the place desired, provided they giue in their resolutions, as is exprest in their peti^{ti}on, in one year ensuing this date.†

* History of Concord (Bouton), pp. 57-140.

† Massachusetts Colony Records, vol. iv., part I., p. 400.

May 31, 1660, Mr. Edward Rishworth and Robert Booth were authorized to lay out and determine the bounds of the new plantation; and the petitioners were freed from the payment of taxes for six years, "provided that they have twenty families & an able minister, such as shall be approved of by this Court, settled there in fower yeeres." *

March 12, 1664, King Charles II. issued a royal decree granting to James, Duke of York, a large tract of land now known as New Jersey. February 10, 1664-5, Philip Carteret was appointed governor of the territory; and every freeman who settled there was given one hundred and fifty acres of land, provided he brought with him six months' provision, a good musket, ten pounds of powder, "and not less than twenty pounds of bullets, twelve bullets to the pound."

Daniel Pierce, Joshua Pierce, John Pike, John Pike, jr., Thomas Blomfield, Thomas Blomfield, jr., John Blomfield, John Cromwill, Samuel Hale, Jonathan Haynes, Elisha Hsley, Henry Jaques, Henry Jaques, jr., Stephen Kent, Stephen Kent, jr., George Little, Hugh March, Samuel Moore, Matthew Moore, John Smith, Abraham Toppan, Nathan Webster, Obadiah Ayres, Richard Worth, and others went from Newbury to New Jersey, where they laid out and settled the town of "Woodbridge," so called in honor of the Rev. John Woodbridge, assistant minister of the first church of Newbury.† Some of the persons named in the above list took an active part in the organization of the town government, and were afterwards prominent in the management of its affairs; but a few, dissatisfied with the apportionment of land and the assessment of taxes, remained there for two or three years, and then returned to Newbury.

The town of Woodbridge still retains the name it received in 1668. It is on the Perth Amboy & Woodbridge Railroad, in Middlesex County, in the State of New Jersey, about five miles south of Rahway and twenty-four miles southwest of New York City.‡

* Massachusetts Colony Records, vol. iv., part I., p. 421.

† New Jersey Colonial Documents, vol. I., p. 90; also, *Early History of Perth Amboy* (Whitehead), pp. 355-367.

‡ Nearly a century later a township in the Coös country on the Connecticut river was granted Capt. Jacob Bayley for services in the French war. Capt. Bayley was born in Newbury, Mass.,

OATH OF ALLEGIANCE TO KING CHARLES II.

Oliver Cromwell died September 3, 1658. His son Richard succeeded him as lord protector. In the confusion that followed the downfall of the government, the resignation of Richard Cromwell and his retirement to private life, Charles II. was proclaimed King of England May 8, 1660. He arrived in London May 29, 1660, having left the Hague six days before.

This event occasioned considerable anxiety in the colony of Massachusetts Bay; and, December 19, 1660, the General Court addressed a letter "To the high & mighty Prince Charles the Second by the grace of God, King of Great Britajne, Fraunce & Ireland, Defender of the Faith &c.," besecching him to favor and protect the colony in its chartered rights and privileges, and also a letter "to the Lords & Commons in Parliament assembled," urging them to provide for an amicable adjustment of the differences relating to the government of the territory between the Merrimack river and Casco bay.

These letters were intended to convey to his Majesty and to Parliament assurances of loyalty and fidelity, and also to explain and apologize for some measures that it had been thought necessary to adopt for the protection and government of the colony of Massachusetts Bay. In April, 1661, when it became known that an order had been received from the king for the apprehension of Col. Edward Whalley and Col. William Goffe, two of the judges who signed the warrant for the execution of King Charles I., then supposed to be living in the neighborhood of Boston, the inhabitants of the colony were greatly alarmed.

July 19, 1736. He married Prudence Noyes October 16, 1745, and removed to Hampstead, N.H., two years later, where he organized, in 1756, a company for service in the expedition to Lake George. May 18, 1763, he obtained, by the advice and assistance of his brother-in-law, Col. Moses Little, a grant of land, now in the State of Vermont, on the westerly side of the Connecticut river, where he began the settlement of a town to which he gave the name Newbury. He was afterwards prominent in the Revolutionary war, and served as quartermaster-general in the Continental army.

Col. Moses Little, born in Newbury, May 8, 1724, was also an officer in the army during the Revolutionary war. He owned, with others, a large tract of land in New Hampshire, extending fifteen miles along the Connecticut river. In 1784, this land was surveyed, and divided between the towns of Littleton, named for him, and Dalton, named for Hon. Tristram Dalton, of Newburyport, who was also one of the original grantees.

Petitions from Newbury, Ipswich, Sudbury, Boston, and other towns were presented to the General Court, asking for a prompt compliance with the demands of the king. June 10, 1661, the General Court declared, in answer to the petitioners, that it had not been altogether negligent in providing for the enforcement of the laws against criminals, and therefore desiring the petitioners to rest satisfied with what had been done.*

The same day a special committee, that had been appointed several days before, reported, in regard to the condition of affairs in the colony and the rights and duties of freemen, that certain laws and privileges should be asserted and maintained, and also that "Wee further judge that the warrant & letter from the kings maj^y for the app'hending of Col Whalley & Col Goffe, ought to be diligently & faithfully executed by the authority of this country. And also, that the Generall Court may doe safely to declare that in case (for the future) any legally obnoxious, & flying from the civil justice of the state of England, shall come over to these partes, they may not heere expect shelter." *

Intimations having been received from England that the public acknowledgment of the king, in the colony of Massachusetts Bay, should be no longer delayed, the General Court at a special session held August 7, 1661, ordered the proclamation to be made the next day.† August eighth, Edward Rawson, then secretary of the colony, in the presence of the governor, deputy governor, magistrates, deputies, and elders, with "fflower ffoote Companjes, one troope of horse, & masters of shippes in harbo^r attending," assembled in Boston, proclaimed and acknowledged submission to Charles II., "lafulfull King of Great Brittain, France & Ireland & all other the territorjes & dominions thereunto belonging."

April 25, 1664, Col. Richard Niccolls, Sir Robert Carr, George Cartwright, Esq., and Samuel Maverick, Esq., were appointed by the king to visit the colonies in New England, to examine and determine all complaints, and hear appeals from all military, criminal, and civil courts. Two of

* Massachusetts Colony Records, vol. iv., part II., p. 26. † *Ibid.*, p. 30.

the commissioners arrived in Boston July 23, 1664, and were graciously received by the governor and his council.

The members of the General Court, however, were much disturbed by the appointment of these royal commissioners, and, October 19, 1664, voted to make an address or statement of their grievances, beginning as follows:—

TO THE KINGS MOST EXCELLENT MAJTY

The humble supplication of the Gen'll Court of the Massachusetts colony in New England.

Dread Soueraigne:—

If your poore subjects, who haue remooved themselves into a remote corner of the earth to enjoy peace wth God & man, doe in this day of theire trouble prostrate themselves at your royal feete & begg your favor, wee hope it will be graciously accepted by your majestie, and that as the high place you sustejne on earth doeth number you here among the gods, so you will imitate the God of heaven in being ready to mainteyne the cause of the afflicted & the right of the poore, & to receive their crjes and addresses to that end.*

After quoting the favorable opinions expressed by his Majesty in several letters addressed to the colony of Massachusetts Bay, they beseech him to listen to their grievances and to restrain and limit the power and authority conferred upon the commissioners. They assert that the proposed changes in the administration of justice and the management of public affairs will force his subjects in New England to seek new homes elsewhere, "or sink & faint under burdens that will be to them intollerable." In conclusion they say, "at our request let our government liue, our patent liue, our magistrates liue, our lawes and libertjes liue, our religious enjoyments liue; so shall wee all haue yet further cause to say from our heart, 'Let the king liue forever:' and the blessing of them that were ready to perish shall come vpon your majesty, hauing deliuered the poore that cryed & such as had none to help them."

May 3, 1665, the commissioners presented to the General Court the letters and instructions received from the king in regard to the condition of affairs in the colony of Massachusetts Bay, and a committee was appointed to examine them

* Massachusetts Colony Records, vol. iv., part II., p. 129.

and consider what answer should be made. Newbury was not represented at this session of the General Court, and was fined ten pounds for not sending a deputy. Although the freemen of Newbury were evidently reluctant to antagonize the views and wishes of the king as expressed in his instructions to the commissioners, and were anxious to avoid a contest that was likely to prove embarrassing, there is no evidence that they attempted to evade their political duties or responsibilities. At all events, the fine was remitted by the General Court October 16, 1666.

Meanwhile the negotiations between the commissioners and the General Court, having been conducted with considerable vigor for more than twelve months, were abruptly terminated, the commissioners left Boston for the province of New Hampshire, and soon after returned to England. April 10, 1666, Sir William Morrice, secretary of state under King Charles II., notified Richard Bellingham, governor of the colony of Massachusetts Bay, that his Majesty was displeased with the condition of affairs and had decided to recall his commissioners, and request the General Court to elect two or three suitable persons to go with Governor Bellingham and Major William Hawthorne to England, in order to explain to his Majesty why they refused to accept the amendments to the charter and the revision of the laws proposed by the commissioners.*

A special session of the General Court was held in Boston, September 11, 1666, to consider this important communication. The elders of the churches were desired to be present and give their advice in the weighty matters under discussion. A letter was prepared and ordered to be sent to his Majesty's secretary of state, criticising the conduct of the commissioners and declining to send representatives to England, having already submitted in writing their objections to the proposed amendments to their charter, "and therefore cannot expect that the ablest persons among us could be in a capacity to declare our cause more fully." †

* Hutchinson's History of Massachusetts, vol. I., Appendix xix.

† Massachusetts Colony Records, vol. iv., part II., p. 317.

At the same session of the court, petitions favoring the adoption of conciliatory measures and the repeal of all legislative acts displeasing to the king were presented from several towns in the colony.

"The humble Petition of the town of Newberry" states that the petitioners have been informed that his Majesty has lately sent to the governor and council letters expressing dissatisfaction with the result of the commissioners visit to New England, and that he has ordered the governor, with several other persons to be elected by the General Court, to proceed forthwith to England to assist in the discussion and final settlement of the differences relating to the rights and duties of freemen in the colony. In conclusion the petitioners express the hope that conciliatory counsels will prevail, and that it will not be necessary for them "to make their particular address to his majesty, and declaration to the world, to clear themselves from the least imputation of so scandalous an evil, as the appearance of disaffection or disloyalty to the person and government of their lawful prince and sovereign." This petition was signed by

Nicholas Batt	Benjamin Woodbridge	Daniel Thurston
James Browne	Nathaniel Clark	Tristram Coffin
John Atkinson	Stephen Swett	Percival Lowle
Joshua Browne	James Mirrick	Samuel Lowle
John Badger	Joseph Muzzy	John Knight, Sen
Hugh March	James Jackman	John Knight, Jun
William Chandler	Thomas Hale, Sen	Paul White
Thomas Parker	Anthony Sommerby	Abel Huse
John Woodbridge	William Thomas	Richard Kent
William Gerrish	Francis Brown	James Kent
Daniel Peirce	Anthony Short	John Kent
Richard Lowle	Abiel Sommerby	Richard Knight
Henry Short	Nicholas Noyes	Thomas Silver*

The General Court, "having read & taking into consideration the contents of the petitions presented from Newbery, Ipswich, Salem & Boston being for substance but one, & finding that the petitioners doe therein vnjustly charge, threaten & reflect vpon this court, to the dishonor of the members

* Massachusetts Archives, vol. cvi., p. 168.

thereof, . . . ordered, that Captaine William Gerrish, of Newbery, Capt. John Apleton, of Ipswich, M^r Edmond Batter, of Salem, Capt Thomas Sauage, M^r Tho. Bratle M^r Habbacuck Glouer & M^r Thomas Deane, of Boston, all of them principall persons in the sajd petiçons, some of them persons in publicke trust, all saue one freemen of this colony & members of churches, be by the secretary warned to attend this Court in October next, to answer for the same." *

At the appointed time the petitioners appeared, and made answer to the charges brought against them. The committee to whom the subject was referred, after hearing the testimony, reported that there were unwarrantable passages and expressions in the petitions that a well-ordered government could not allow to pass unnoticed, but, inasmuch as the petitioners did not intend to transgress the laws, they should be admonished and released, except Capt. John Appleton, of Ipswich, who was censured "for saying that he hoped the Court would not be *his* judge." The deputies voted that the report of the committee be kept on file and not recorded: "consented to by the magistrates." †

The commissioners from King Charles II., in a communication to the General Court, dated May 18, 1665, complained that the provisions of the charter of the colony of Massachusetts Bay, requiring the inhabitants thereof to take the oath of allegiance to the king, were not complied with. Edward Rawson, secretary of the colony, replied the next day, "wee shall forthwith order the taking of the oath of allegiance according as the charter commands." ‡ It is evident, however, from subsequent proceedings, that the order was not strictly enforced, although some of the inhabitants of Newbury were called upon to take the oath in a modified form, as appears from the following record:—

NEWBERIE.

Joseph Coker: John Kent: Israell Webster: Job: Pilsberie, Joseph Bayly: Benjamin Lowell, Nath^l Merrill: Daniell Merrill Abell: Merrill: Jⁿ Attkinson.

* Massachusetts Colony Records, vol. iv., part II., p. 317.

† Massachusetts Archives, vol. cvi., pp. 174-178.

‡ Massachusetts Colony Records, vol. iv., part II., pp. 200-206.

These men aboue written haue taken ye oath of fidelitie vnto this gouernment ye 25 of february sixty eight:

before mee Robert Pike Comissr:

Jonathan: woodman: Benjamin Moss & Isaac Brown tooke ye oath of fidellity to this govermt: & James Ardway tooke ye oath of a free-man of this Jurisdicon: ye 26: of ye 12th mo: 1668

before mee Robert Pike Comissr:

Henry Tuxberie & Isaac: Brown tooke ye oath of fidelity to this govermt this 13: day of May 1669

before mee Robert: Pike Comissr:

Jno wells:	Pennell: Tittcom:	Richard Bartlett, jun:
Tho: wells:	John Stevens:	william Ilsly jun
Jno Swett:	Jonathan Wedgwood	Joseph Ilsley
Moses Pilsbery:	Jacob Tappin	James Ardway jun:
Tho: west:	John Ilsly	Tho: stickney
Josuah Richison:	Sam: Bartlett	

Tooke ye oath of fidelitie to || ye gouerm^t of || this Jurisdicon this 25th day of May, 69

Peter Cheny Nath^l Cheny & Amos Stickny of Nubery tooke ye oath of fidelity to this Comon wealth this 25th of ye 3^d mo 69 bfore mee Robert Pike Comissr

Jno Bayly: Benjamin Lowell Jno Bartlet jun: & John wells: all of nuberie tooke ye freemens oath ye 2^d of Octobr 1669

before me Robert Pike Comissr *

Political complications in England occupied the time and attention of the king and his legal advisers for the next four or five years; and soon after the colony of Massachusetts Bay was involved in a fierce contest with the Indians, which terminated in King Philip's War.

The heirs of Capt. John Mason and Sir Ferdinando Gorges continued, however, to press their claims to the territory under the control of the colony lying beyond the Merrimack river. The open violation of the Navigation Act in the colony was severely denounced and condemned by the Privy Council, and the law officers of the crown advised the issuing a *quo warranto* in order to secure a repeal of the charter granted in 1629.

In this emergency some concessions were considered necessary; and the General Court ordered, October 2, 1678, that as

* Norfolk Registry of Deeds, book 11., leaf 143.

it hath pleased his Majesty, by letter dated April 27, 1678, to notify the authorities of the colony of Massachusetts Bay in New England "to give forth orders that the oath of Allegiance as it is by law established w^{thin} the Kingdome of England, be ministered and taken by all his subjects within this colony who are of years to take an oath," that the secretary of the colony be instructed to send to every magistrate, justice of the peace, and constable in every town printed copies of the oath of allegiance to be by them administered to every male inhabitant sixteen years of age and upward, the names of the inhabitants to be taken in writing, and returned to the recorders of the county courts, to be by them enrolled. Any one refusing to take the oath of allegiance was liable to a fine or imprisonment.*

A list of their names who have taken the oath of allegiance at Newbury, 1678: †—

	<i>Aged</i>		<i>Aged</i>
John Emery jun	51	John Ordoway	20
Jonathan Emery	27	John Bayly	65
Israell webster	35	Isaac Bayly	24
w ^m Bolton	48	Ephraim Plummer	‡24
Abraham merrill	41	John Emery iun.	22
Joseph wheeler	16	Tho: Halle jun	45
W ^m Longfellow	27	Hen. Short	26
Jacob Topan	31	Joseph Bayly	30
John Sewall	24	mathew Petengall	30
francis Browne	46	Joseph Little	25
James Smith	33	Sam. Poore sen	55
John Emery sen	80	Sam. Poore jun	25
James Ordoway	60	John Poore sen.	63
John Topan	28	Jerem. Daus	28
Isaac Ilesley	26	Nich. Rawlins	32
Rich. Bartlett jun	30	John Daus	30
John Bartlett jun.	23	Edward Poore	23
Tho: Bartlett	25	40 James Carre	25
Joseph knight	26	Joshua Bayly	20
20 Sam. Sayer	29	Cornelius Daus	25
Steph. Greenleafe jun:	26	cutting Noyes	29
Jam. Ordoway jun	26	W ^m Ilesley jun	28

* Massachusetts Colony Records, vol. v., p. 199.

† Original on file in the office of the clerk of courts at Salem, Quarterly Court Files, book xxx., leaf 56. Recorded in the Registry of Deeds (Ipswich series), book iv., leaf 254.

‡ These figures are indistinct, and may be "26."

	<i>Aged</i>		<i>Aged</i>
Silvanus Plummer	20	Tho: Halle sen	74
Zeck. Daus	29	Antho. morse	72
Rich. Dummer jun	28	Joseph Coker	38
Moses Geerish	23	Joseph Dole	22
Joseph Poore	24	ffrancis willett	43
Edmund moores sen	64	Joseph moring	22
Rich. woolworth	30	Hen. Jaques	60
Nath. Brickett	29	John Kelly	37
Nathan Parker	28	Tho: ffolinsby	41
Nath. Aires	22	Joseph mirick	18
Abeil Long	29	John Richardson Clr	31
Shubael Long	17	100 daniel Perse	40
Wm Worham	26	Tho: Noyes	30
Tristram Coffin	47	John woolcott sen	45
Wm Chandler	62	John woolcott jun	18
60 John Badger	36	Sam: Pettingall	33
Christopher Bartlett jun	23	John Granger	24
Rich: Lowle	76	Wm Noyes	25
Tho: Woodridge	29	Andrew Godfry	22
Caleb Moody	41	Henry Somersby	16
Jonathan wheeler	20	James Brading	16
Nathan wheeler	18	Edward woodman jun	50
Hugh march jun	22	walter Taylor	55
Ephraim Daus	23	Wm morse	64
John Herricks	28	Rich. Petingall	60
Joshua woodman	41	Tho: Rogers	26
John Rolfe	18	Tho: Browne	72
Tho: Lowle	27	Benajah Titcomb	25
Jonathan woodman	35	Beniamin Coker	26
Curmac Annis	40	George maior	31
Edmund marshall	29	ffrancis Thurley	48
Joseph Poore	17	120 Auth. Somersby	68
James Burrell	21	Abel Hewes	74
Percivall Lowle	40	Wm Sayer	65
Robt Coker	72	Peter Godfry	48
80 Hen. Sewall	66	Rich. Bartlett sen	57
John Webster sen	46	John Bartlett sen	65
John. Webster jun	22	John Bartlett jun	39
Dan. Lunt	36	Daniel Massiloway	33
John Atkinson	44	Hugh Pike	21
John Halle sen	42	Edward Richardson jun	27
Wm Randall	65	Tho: Titcomb	17
Joseph Richardson	23	Tho Silver jun	26
Ben: Lowle	37	Nathaneel Merrill	40

	<i>Aged</i>		<i>Aged</i>
Peniel Titcomb	27	George Hardy	17
Augustine Studman	40	Elisha Hesley	30
Joseph Hesley	27	Dan. Thurston jun	17
Richard Jaques	22	John Poore jun	36
Steph : Jaques	17	Aquila chase	26
John. firman	31	John Chase	23
James Coffin	19	Joseph Goodridge	39
140 Increase Pillsbury	18	Edmund moores jun	27
Archelaus Woodman	60	Dan. Cheney	43
Peter Topan	44	W ^m mitchell	24
Edward Richardson sen	61	John Hoeg	35
Joshua Richardson	28	Steph. Swett	58
Ben. Richardson	18	Benj. Goodridge	36
John Swett	30	180 George march	32
John Decker	32	John Steevens	30
Tho : Silver sen	56	Job Pillsbury	35
James Jackman jun	22	Caleb Pillsbury	24
Richard Jackman	19	Abel Pillsbury	26
John mighill	42	Daniel Chase	16
Daniell merrill	34	Dauid Chily	28
Abel merrill	32	Hen. Lucas	18
Joseph Downer	40	Benj. morse	37
Joshua Browne	36	Rob ^t . Adams	77
John knight	30	Tho : Chase	24
Rob ^t Beedle	36	W ^m Pillsbury jun.	22
Rich. Browne	27	Jerem. Goodridge	42
Joseph Pike	39	John Kent jun.	34
160 Dan. Thurston	40	John Tucker	28
Sam. Bartlett	32	Abraham Adams	37
Henry Poore	26	John mitchell	28
Henry Bodwell	24	Sam. Plummer	60
Ebenezer Hills	19	Isaac Adams	33
Jonathan moores	32	Jacob Adams	23
James Davis	20		

On the back of the sheet containing this list are the following names : —

	<i>Aged</i>		<i>Aged</i>
Richard Knight	77	Sam. youngloue	40
Hugh march sen	56	Rob ^t . Rolinson	40
John Kent sen	37	Benj. Plummer	22
Joshua Bointon	30	Joseph Plumer jun	23
John Huggins	26	Tho : Halle iun.	19
W ^m Damford	30	James fireezes	37

	<i>Aged</i>		<i>Aged</i>
Joseph muzzy	50	John Thurley	19
James Jackman sen	60	Jonathan Thurley	17
Hen. Acres	26	John Noyes	33
James Noyes	21	Moses Little	21
W ^m moody	17	Nath. Cheney	31
Joseph morse	40	John Glading	37
John Guile	23	W ^m Pilsbury	73
George Perse	17	W ^m Ilesley sen.	72
John Halle jun.	17	Steph Greenleaf sen.	50
Daniel moody	17	Benj. Rolfe	40
Robt Long	58	Tho. Thurley	47
John Smith	31	Peter Cheney	*39

INDIANS AND INDIAN DEEDS.

The territory granted the first settlers of Newbury in 1635 by the General Court was uninhabited, except by a few Indians at the Falls, on the Quascacunquen river, and a somewhat larger number that came from the woods and hills of the north during the summer months to hunt and fish at the mouth of the Merrimack.

The laws, customs, and habits of these migratory and sometimes hostile Indians, the bounds and limits of their camping grounds, and the location of their villages are described with considerable minuteness by Rev. William Hubbard, pastor of the church at Ipswich, in his *History of New England*, written previous to 1682. He says: "Betwixt Kenebecke and Connecticut were observed to be about twenty societies, or companies of these savages when the English first came upon this coast." † One of these societies, or tribes, called the Tarratines, occupied the territory round about the Kennebec river. There were other Indian settlements at Casco bay and on the Saco and Piscataqua rivers. Inland, from twenty to fifty miles from the mouth of the Merrimack, the Wamoneset, Pentucket, Amoskeag, and Pennacook Indians lived, sometimes in peace, but frequently at war with each other. "At the falls of Newbury there was a noted plantation of them,

* "A list of those that have taken the oath of Allegance & fidelity of Newbury before Mr John Woodbridge, Commisioner, in Dec & Feb. 1677," will be found in the *Registry of Deeds* (Ipswich series), book IV., leaf 189.

† *Massachusetts Historical Collections* (Second series), vol. v., p. 31.

by reason of the plenty of fish that almost at all seasons of the year used to be found there, both in winter and summer." * At Agawam, also, now Ipswich, was another noted settlement, "to which belonged those of Newbury falls that lies in the midway, betwixt Merrimack and Agawam." *

When the inhabitants of Newbury decided to remove from the Parker to the Merrimack river, in 1645, a house lot was assigned to John Indian.† Soon after that date "Great Tom, Indian," conveyed to the selectmen thirty acres of planting land, "and all his right, title and interest" in the common and undivided land and woods within the limits of the town of Newbury, on the following terms and conditions:—

Witness by these presents that I, Great Tom, Indian, for and in consideration of three pounnds in hand paid by and received of the townsmen of Newbury, have given, granted, covenanted, and fully bargained, and for and by these presents do give, grant, convey, confirme, bargain, and sell all that my thirty acres of planting land as it is fenced in one entire fence in Newbury, lying neere Indian hill, with all my right, title, and interest in all the woods, commons, and lands that I have in the township of Newbury to have and to hold, all the said premises Respectively to bee to the proper use and behoof to the said Inhabitants of the Said Towne of Newbury, their heirs, executors, administrators, and assignes for ever, and I, the said Great Tom, Indian, doe hereby engage and bind myself, mine heirs, executors, and assignes unto Mr. William Gerish, Abraham Toppan, and Anthony Somerby, being Townsmen in the behalf of Said Towne, to warrantize the said Bargained premises to the said Towne and for ever defend.

In witness whereof I the said Great Tom, Indian, have sett my hand and seale April 16, 1650.

Witness

the mark x of Great Tom, Indian.

JOHN BARTLET,

WILLIAM TITCOMB.

This is a true copy of a deed, as is abovesayd, taken from the originall.

Attest

ANTHONY SOMERBY,

Clerk of Newbury.‡

The title to land owned by Henry Sewall, in the vicinity of Newbury Falls, was in dispute for more than twenty years. In June, 1661, the General Court ordered:—

* Massachusetts Historical Collections (Second series), vol. 7., p. 32.

† See *ante*, p. 89.

‡ Town of Newbury Records, vol. I.

Whereas some Indians, as wee are informed pretend an interest in some part of the lands of Henry Sewall, wch lyeth at Newbury Falls, sometime Mr John Spencers, wch lands were purchased of the said Spencer, & also haue binn confirmed by the toun of Newbury vnto the said Henry Sewall, it is therefore ordered, by this Court, that if it shall appeare vnto the said Henry Sewall that the said Indians, or any other, haue any legall right vnto any part of the said land, the said Henry Sewall shall heereby haue liberty to purchase the same of the said Indians.*

Subsequently, the grandson of "Old Will" brought a suit to recover land in the possession of Henry Sewall. June 23, 1679, the depositions of Moses Bradstreet, Alice Homes, and John Todd, favoring the claim of the plaintiff, were taken and sworn to before Daniel Denison, of Ipswich.† Further consideration of the case was probably postponed until the next session of the court. Meanwhile some concessions were made; and, eventually, a settlement satisfactory to all persons interested was agreed upon.

June 14, 1681, Job Indian, grandson, Kate Indian, and Mary Indian, daughters, of Old Will Indian, of Newbury Falls, in consideration of six pounds, thirteen shillings, and fourpence paid to each of the above-named Indians, Job, Kate, and Mary, conveyed to Henry Sewall, of Newbury, a tract of land "of which a part is known by the name of the Indian field in Newbury, aforesaid, bounded as followeth; on y^e northerly side with the great brooke which runeth along the side of the greate field, on the westerly side with a line runn by said Scawell from y^e head of s^d farme unto Newbury river at or neere the upper fales & on y^e Southerly side with y^e said river, as alsoe all the right, title and interest they, y^e s^d Job, Kate & Mary Indians have or ought to have to land at or neere Indian hill, or anywhere else within the township of Newbury abovesaid, as they are heires to old Will Indian aboves^d, or otherwise."‡

Soon after the charter of the colony of Massachusetts Bay was vacated in 1684, the inhabitants of Newbury and other towns in Essex county were greatly disturbed by rumors that

* Massachusetts Colony Records, vol. iv., part II., p. 21.

† Coffin's History of Newbury, p. 363.

‡ Essex Deeds, vol. vi., p. 23 (134).

they were to be deprived of land granted to them by the General Court. In order to strengthen their title to the property, and prevent its seizure by the officers of the crown, the towns of Newbury, Bradford, Boxford, Gloucester, and Beverly, bought of the grandchildren of Masconomo, "the sagamore of Agawam," all the land within their territorial limits.

The deed, dated January 10, 1700-1, to the selectmen of the town of Newbury, is substantially as follows: Samuel English, "grandson and heir of Masconomet, the Sagamore of Agawam, an Indian," in consideration of the sum of ten pounds in current money of New England, paid by Cutting Noyes, Joseph Knight, Richard Dole, John Worth, and Joseph Pike, for and in behalf of said town, conveyed to the above-named selectmen "a tract of land containing ten thousand acres more or less" lying within and including the whole of the township of Newbury, "bounded easterly by y^e sea northerly & north westerly by Merrimack river, westerly by Bradford Line & Southerly by Rowley Line, together with all y^e wood, timber, lands, grounds, soyles, waters, streams, Rivers, Ponds, fishings, huntings, stones, mines, minerals, heriditaments and all the appurtances belonging to y^e same and to every part thereof within the said Township." * In acknowledgment of this deed of conveyance

Samuel English y^e surviving heir of y^e Masconomet y^e Sagamore of Agawam appeared before us, y^e subscribers, y^e Tenth day of January in the Twelfth yeare of his maj^{ties} Reign, Anno Domini 1700-1, and acknowledged the above written Instrument to be his act & deed, before us

DANIEL PIERCE	} <i>Justices</i>
THOMAS NOYES	
	<i>of y^e</i>
	<i>Peace.</i>

The same day Joseph Foster made oath "that he did know Sarah y^e Daughter of Maschanominet the Sagamore of Agawam, & father that Samuel English was reputed to be her eldest sonne now surviving." †

Moses Parker, also, made oath the same day "That he very well knoweth that Samuel English is y^e reputed son of Sarah the Daughter of y^e Sagamore Maschanominet & eldest son now surviving." †

* Essex Deeds, vol. xiv., p. 67. † Ibid., p. 68.

WITCHCRAFT IN NEWBURY.

"December 3, 1679, Caleb Powell being complained of for suspicion of working with the Devill to the molesting of William Morse and his family" was brought before John Woodbridge, commissioner or special magistrate at Newbury, for examination; and, after the accusation and testimony had been read, the case was adjourned until the Monday following.

The second hearing was held December 8, 1679, before the commissioners and William Morse was ordered to bring the case to the attention of the county court to be held at Ipswich in the month of March following. Caleb Powell was committed to the care of the constable "till he find security of twenty pounds for the answering of the sayd complaint." *

The testimony of William Morse and his brother Anthony Morse, of John Badger, Sarah Hale, Joseph Mirick, and Mary Tucker, will be found on file in the court-house at Salem.† Notwithstanding the strange and extraordinary character of the evidence submitted, it was not considered sufficient to convict Caleb Powell of an offence against the laws of God and man; and he was therefore discharged.

Upon hearing the complaint brought to this court against Caleb Powell for suspicion of working by the devill to the molesting of the family of William Morse of Newbury, though this court cannot find any evident ground of proceeding farther against the sayd Powell, yett we determine that he hath given such ground of suspicion of his so dealing that we cannot so aquit him but that he justly deserves to beare his owne shame and the costs of prosecution of the complaint.

It is referred to Mr. Woodbridge to hear and determine the charges.‡

The mysterious disturbances in and about the house of William Morse evidently continued while Caleb Powell was a prisoner and after he was set at liberty. Vague and contradictory reports in regard to the frivolous speech and malicious conduct of Elizabeth Morse, wife of William Morse, were cir-

* Court Files (Salem), vol. xxii., pp. 130-133, inclusive.

† The reader will also find on pages 131 to 133, inclusive, of Coffin's History of Newbury, the substance of the testimony given by William Morse; on page 123, the testimony of John Badger and Anthony Morse; and on page 125, the testimony of Sarah Hale, Joseph Mirick, and Mary Tucker.

‡ Court Files (Salem), vol. xxiii., p. 132.

culated, and served to fasten suspicion upon her as one instigated by an evil spirit, and ultimately led to her indictment and arrest. She was brought to the Court of Assistants, sitting in Boston, for trial, and was adjudged guilty. The record reads as follows :—

at A Court of Adjournment held at Boston 20th May, 1680:

The Grand Jury presenting Elizabeth morse y^e wife of W^m morse, Sr [she] was indicted by the name of Elizabeth morse for that she not hauing the feare of God before hir eyes being Instigated by the diuill & having had familiarity with the diuill contrary to the peace of our Souaigne Lord the King his crowne & dignity y^e lawes of God & of this Jurisdiction: After the prison^r was at ye barre and pleaded not Guilty & put himself on God & y^e country for triall y^e evidences produced were read & committed to y^e Jury.

The Jury brought in their virdict & they found Elizabeth Morse, the prisoner at the barre, Guilty according to Indictm^t. The Govern^r on 27th May after y^e lecture pronounced y^e sentence: Elizabeth Morse you are to goe from hence to the place from whence you came & thence to the place of execution, there to be hanged by the neck till you be dead, And the Lord have mercy on your Soul.

This Court was adjourn^d diem per diem & on 1st June 1680 The Gouv^r & magis^ts voted Reprieving of Elizabeth Morse, condemn^d, till the next session of the Court in October.*

as Attest

Ew^d RAWSON, *Secretary*.^o

Subsequently, an effort was made to still farther delay proceedings, and secure a second reprieve for the wife of William Morse. November 3, 1680, the following order was passed by the House of Deputies, but failed to receive the approval of the magistrates :—

The deputies on perusal of the acts of the honorable Court of Assistants relating to the woman condemned for witchcraft doe not understand why execution of the sentence given against her by said court is not executed and that her second repreevall seems to us to be beyond what the law will allow and doe therefore judge meete to declare ourselves against it with reference to the concurrence of our honored magistrates hereto.

WM TORREY *Clerk*.

Not consented to by the magistrates.

EDWARD RAWSON *Secretary*.†

* Massachusetts Archives, vol. CXXV., p. 18; Court of Assistants (manuscript records), p.

11; Court of Assistants (printed records), p. 159; Coffin's History of Newbury, p. 126.

† Massachusetts Archives, vol. CXXV., leaf 28.

When the General Court assembled in May, 1681, a petition, dated "Newbury May 14, 1681," signed by William Morse, was presented to the deputies and magistrates, asking for a review of the evidence given in the Court of Assistants, implicating Elizabeth Morse in the charges brought against her.*

At the same session William Morse also presented the following petition:—

To the honored governor, deputy governor, magistrates and deputies now assembled in Court May the eighteenth 1681.

The most humble petition and request of William Morse in behalfe of his wif (now a condemned prisoner) to this honored court is that they would be pleased so far to hearken to the cry of your poor prisoner, who am a condemned person, upon the charge of witchcraft and for a witch, to which charge your poor prisoner have pleaded not guilty, and by the mercy of God, and the goodness of the honored governor, I am reprieved and brought to this honored court, at the foot of which tribunal I now stand humbly praying your justis in hearing of my case and to determine therein as the Lord shall direct. I do not understand law, nor do I know how to lay my case before you as I ought for want of which I humbly beg of your honors that my request may not be rejected, but may find acceptance with you it being no more but your sentence upon my triall whether I shall live or dy, to which I shall humbly submit unto the Lord and you,

WILLIAM MORSE in behalf
of his wife Elizabeth Morse.†

The deputies, in General Court assembled, voted to grant the prayer of the petitioner; but the magistrates declined to give their consent.

The deputies judge meet to grant the petitioner a hearing the next sixth day and that warrants goe forth to all persons concerned from this Court then to appear in order to her farther triall, our honored magistrates hereto consenting.

WM TORREY *Clerk.*

May 24, 1681 not consented to by the magistrates

EDWARD RAWSON, *Secretary.*†

No farther action was taken by the General Court, and a few days later the Court of Assistants issued the following decree:—

* Massachusetts Archives, vol. cxxxv., leaf 18. See also Coffin's History of Newbury, pp. 127-129.

† Massachusetts Archives, vol. cxxxv., leaf 19; also, Coffin's History of Newbury, p. 130.

Att a Court of Assistants held at Boston 1st June 1681

present

Symon Bradstreete
Esqr Gd
Tho Danforth Esqr
deput Gon
Dani: Gookin Esqr
majr Gen
Dani Dennison Esqr
Jno Pynchon
Joseph Dudley
Nath Saltonstall
Tho Sauage
Jno Hull
James Russell
Peter Tilton

In Ans^r to the peticon of W^m morse in behalf of his wife Elizabeth morse & of hers also. The Court Judgeth it meet to Reprieve the said Elisabeth morse the Condemned prisoner to the end of the next session in October and in the meantime order hir dismission from the prison in Boston to Returne home wth hir husband to Newbery Provided she goe not above sixteen Rods from hir Oune house | & land | at any time except to the meeting house in Newbery nor remooove from the place Appointed hir by the minister & selectmen to sitt in whilst there

past E. R. S.*

Although Elizabeth Morse was not pardoned, but only reprieved until the end of the October session of the General Court in 1681, she returned to Newbury, where she remained until her death, in the house owned and occupied by her husband, on the southeasterly side of what is now known as Market square, Newburyport.†

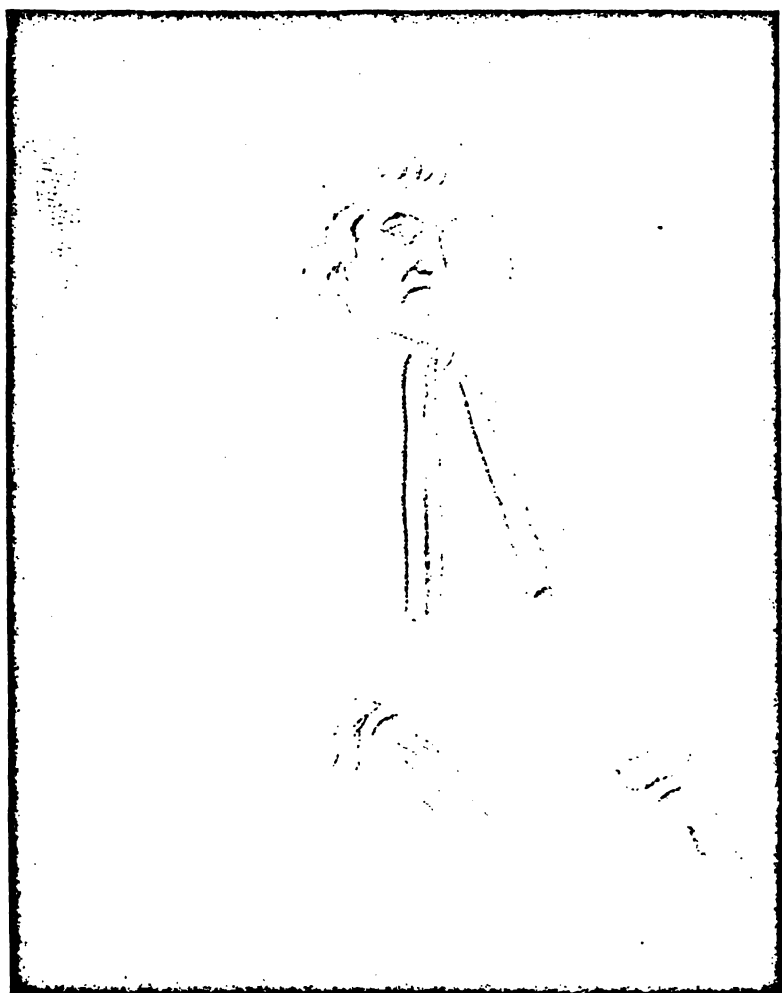
William Morse died November 29, 1683. His wife was living at that time, and was appointed one of the executors of his will. She made oath January 8, 1683-4, to the inventory of his estate. The date of her death is unknown, but at her decease the old homestead became the property of her daughter Abigail, wife of John Hendricks. June 19, 1696, Moses Pingry and wife Abigail (formerly Abigail Hendricks) sold the house and land to Daniel Davison.

SAMUEL SEWALL.

The worthy and upright judge who sat on the bench at the witchcraft trials in Salem in 1692 was closely identified with the early history of Newbury, and manifested, during a long and eventful life, a deep and abiding interest in the welfare and prosperity of the town.

* Records of the Court of Assistants, p. 133; Ibid. (printed copy), p. 189.

† "Old Newbury," pp. 637-639.



His father, Henry Sewall, came to Newbury in 1635. In 1646 or soon after, Henry Sewall and his wife Jane (Dummer) Sewall returned to England, where they remained for several years. In 1659, Henry Sewall came again to Newbury, and two years later his wife and children followed him.

Samuel, the eldest son of Henry and Jane (Dummer) Sewall, was born at Bishop Stoke, Hampshire, England, and came with his mother to Newbury in 1661. He was fitted for college by Rev. Thomas Parker, and graduated from Harvard in 1671. He married, February 25, 1675-6, Hannah, daughter and sole heir of John Hull, goldsmith and master of the mint at Boston. He was a member of the governor's council, under the colonial and provincial charters, for nearly forty years, and for ten years chief-justice of the province of Massachusetts Bay.*

In his diary, which is an interesting and valuable contribution to the history of New England, he recorded with great care and fidelity the events and incidents that came to his notice, and did not neglect to mention the visits made and the advice given to relatives and friends in Newbury. In a book that he published in 1697, entitled "The New Heaven upon the New Earth," † he gave expression to his hopes and fears in words that Whittier has incorporated and immortalized in "The Prophecy of Samuel Sewall."

It is remarkable that Mr. [Thomas] Parker, who was a successful schoolmaster at Newbury in Berkshire in the happy days of Dr. [William] Twisse; was much about this time [1634] preaching and proving at Ipswich, in Essex, [Mass.] That the Passengers came over upon good Grounds, and that God would multiply them as He did the Children of Israel. His text was Exod: 1, 7. [And the Children of Israel were fruitful and increased abundantly, and multiplied and waxed exceeding mighty: and the land was filled with them.] As Mr. Nicholas Noyes who was an Auditor, and is yet living, lately informed me, Mr. Parker was at this time, 1634, principally concerned in beginning Newbury

* "Old Newbury," pp. 245-259.

† "*Phænomena quædam Apocalyptica ad Aspectum Novi Orbis Configurata. Or, some few Lines towards a description of the New Heaven as It makes to those who stand upon the New Earth.*" First edition (Boston), 1697, pp. 59, 60. Second edition, 1727. (Both editions in Boston Public Library.)

Phænomena quædam
APOCALYPTICA

Ad Aspectum NOVI ORBIS configurata.

Or, some few Lines towards a description of the New

HEAVEN

As It makes to those who stand upon the

NEW EARTH

By *Samuel Sewall* sometime Fellow of *Harvard Colledge* at
Cambridge in *New-England*.

Psalm, 45. 10. Forget also thy own people, and thy fathers house.

Isai 11 14. But they shall fly upon the shoulders of the Philistines toward the west

Act. 1. 6 --- 8 Lord, wilt thou at this time restore again the kingdom to Israel

--- ye shall be witnesses unto me unto the uttermost parts of the earth

hasta lo ultimo de la tierra. Spanish Bible.

Luke, 15 24. For this My Son was dead, and is alive again; he was lost, and is found. V 32. For this thy Brother &c.

Mænon deerit Promissis; restituet Regnum Israeli; sed suo modo, loco, et tempore. Bulinger Nequis ista a me dicta, aut adducta accipiat, quasi contendendi, potius aduersandi studio; ac non discendi potius, ac considerendi gratia
For Medus Apoc p. 371. ad Pliniam Sextam.

MASSACHUSET;

BOSTON, Printed by *Bartholomew Green*, and *John Allen*.
And are to be sold by *Richard Wilkins*, 1697

where the Learned & Ingenious Mr Benjamin Woodbridge, Dr. Twisse's successor had part of his Education under his Uncle Parker. Mary Brown (now Godfrey) the First born of Newbury is yet alive,* and is become the Mother and Grandmother of many children. And so many have been born after her in the Town that they make three or four large Assemblies wherein God is solemnly worshipped every Sabbath,

As long as Plum Island shall faithfully keep the Commanded Post; Notwithstanding the hectoring words and hard Blows of the proud and boisterous Ocean; As long as any Salmon, or Sturgeon shall swim in the streams of the Merrimack; or any Perch or Pickeril in Crane Pond; As long as the Sea Fowl shall know the Time of their Coming, and not neglect seasonably to visit the Places of their Acquaintance; As long as any Cattel shall be fed with the Grass growing in the meadows, which do humbly bow themselves before Turkie Hill; As long as any Sheep shall walk upon Old Town Hills, and shall from thence pleasantly look down upon the River Parker, and the fruitful Marishes lying beneath; As long as any free and harmless Doves shall find a White Oak or other Tree within the Township to perch, or feed, or build a careless Nest upon; and shall voluntarily present themselves to perform the office of Gleaners after Barley-Harvest; As long as Nature shall not grow old and dote; but shall constantly remember to give the rows of Indian Corn their education by Pairs; So long shall Christians be born there; and being first made meet, shall from thence be Translated to be made partakers of the Inheritance of the Saints in Light. Now, seeing the Inhabitants of Newbury, and of New England, upon the due Observance of their Tenure, may expect that their Rich and gracious LORD will continue and confirm them in the Possession of these invaluable Privileges; *Let us have grace whereby we may serve God acceptably with Reverence and godly Fear. For our God is a consuming Fire.* Hebrews 12: 28, 29.

* In 1697. She died April 14, 1716.

CHAPTER IV.

1685-1765.

IN 1679, New Hampshire was created a royal province, with John Cutts, Esq., of Portsmouth, as its first president. In 1680, Robert Mason, grandson of Capt. John Mason, came over from England to look after his estates. He claimed, under the grant made to his grandfather before the settlement of Massachusetts, all the land from Naumkeag (Salem) to the Merrimack river, and proceeded to give leases and demand rents for the occupation of the same, under a threat of seizure and sale.

February 16, 1681-2, the inhabitants of Gloucester and other places adjacent addressed a petition "To the Kings most excellent Majesty," stating that for more than fifty years they and their predecessors had owned and occupied the land now claimed by Mr. Robert Mason, and had never, until now, been molested or disturbed in the possession of the same, and humbly imploring his Majesty to interpose his royal authority and protect his loyal and obedient subjects in the maintenance of their legal rights. The Newbury men who signed this petition were Caleb Moody, Daniel Pearce, Tristram Coffyn, Nicho: Noyce, Joseph Pike, Richard Dumer, Henry Sewall, Jno. Hale, and Jno. Woodbridge.*

At a meeting held at Whitehall July 20, 1683, the Privy Council of the king decided to issue a *quo warranto* against "the Governor and Company of the Massachusetts Bay," and ordered that "Mr. Edward Randolph be sent to New England with the notification of the said *quo warranto*." June 21, 1684, the Court of Chancery, to which the business had been transferred, made a decree vacating the charter.† Counsel for the colony moved for an arrest of proceedings on the

* Massachusetts Colony Records, vol. v., pp. 334-336.

† Palfrey's History of New England, vol. iii., p. 390.

ground that time had not been allowed for procuring a power of attorney between the issuing of the writ of *scire facias* and the day appointed for its return; but the court ordered, October 23, 1684, final judgment to be entered, and the charter annulled.*

Charles II. died February 6, 1685. In December, 1686, Sir Edmund Andros became governor of all New England; and Robert Mason was a member of his council.

Perplexed with doubt and anxiety, the inhabitants of Newbury, anxious to retain possession of the land that then, according to English law, reverted to the crown, evidently endeavored to establish and maintain friendly relations with the new government.

Robert Mason on his way from Boston to Portsmouth often stopped in Newbury for consultation and conference with some of its most prominent citizens, and occasionally exerted his influence with the governor to secure appointments for his friends in various positions of honor and trust, as the following letter indicates:—

GREAT ISLAND (Portsmouth), Aug. 13, 1687.

To his excellency Edmund Andros,

Sir,

Your excellency may please to remember I proposed some persons as fitting to serve his majesty in the town of Newbury both in civil and military affairs. In my return to this place I had discourse with several persons, the most considerable of that town, that by want of justices of the peace, nothing hath been done at the meeting of those inhabitants for settling the rates and other concerns of the publick. Mr. Woodbridge, one of the justices is very ancient and crazy and seldom goes abroad. Mr. Dummers, the other justice, lives six miles from the place and therefore very unfit for that service for the town of Newbury, besides his other qualities in not being of the loyal party as he ought to be. I doe therefore intreat of your excellency, that in the commission of the peace my two friends, Daniel Pierce and Nathaniel Clarke may be put, which I assure myself will be for his majestys service and to your excellencys satisfaction.

There are no military commissions sent to that place and therefore I doe intreat your excellencys favor that commissions be sent these following persons:

* Palfrey's History of New England, vol. III., p. 394.

Daniel Davison to be Capt of Horse for the Town of Newbury and Rowley, Stephen Greenlif, Junior, Lieut., George March, Cornet.

Thomas Noice Capt of ffoot	} first company
Stephen Greenlif, Sen. Lieut	
James Noice, Ensign	
Nathaniel Clarke, Capt of ffoot	} second company
John March, Lieut	
Moses Gerrish, Ensign	

I shall desire your excellency that Mr. Davison may have his commission first for raising the troops there being many young men that will list themselves under him if not before listed by the Captain's ffoot. He is very well beloved and I presume will have the completest troops in the country.

I shall be extreem glad to heare of my good ladys safe arrival, which so soon as I shall understand, I will make a speedy journey to Boston to kiss her hand. I came last night to this place. I hope all things will go easy so that I may have no occasion of using the former severities of the law against my tenants. I had rather see them rich than poor. I humbly kiss your excellencys hands and am

Your excellencys servant,

ROBERT MASON.*

In 1688, Robert Mason died suddenly at Kingston, on the Hudson river, while on a journey from New York to Albany in company with Sir Edmund Andros.

After his decease his two sons, finding it difficult to establish their claim to the disputed territory, and impossible to collect from the inhabitants anything by the way of rent, sold to Samuel Allen, a merchant of London, "All that Province or tract of land in New England in America commonly called New Hampshire, lying between the Rivers of Namekeke and Piscattaqua, and the ground & soil therein, and also the South half of y^e Isles of Shoals."†

The charter of the province of Massachusetts Bay, granted by King William and Queen Mary October 7, 1691, provided "that nothing herein conteyned shall extend or be understood or taken to impeach or prejudice any right title. Interest or demand which Samuel Allen of London, merchant, claiming from and under John Mason, Esq., deceased or any other person or persons, hath or have, or claimeth to have,

* Massachusetts Archives, vol. cxxvii., pp. 20 and 21.

† Memoir of Capt. John Mason, published by the Prince Society, 1837, p. 51.

hold or enjoy of, in to or out of any part or parts of the premises scituate within the limitts above menconed." *

The dividing line between Massachusetts and New Hampshire remained unsettled for many years. August 10, 1737, the legislatures of the two provinces met by adjournment, one at Salisbury, Mass., and the other at Hampton Falls, N.H. A cavalcade of mounted horsemen escorted Governor Belcher and the members of the Massachusetts legislature from Boston to Newbury, another company accompanied them to the dividing line, and three additional companies led the procession to Hampton Falls. The occasion was one of considerable excitement, and the pomp and parade of the governor's escort was humorously described and mildly ridiculed in the following lines: —

" Dear Paddy, you ne'er did behold such a sight
As yesterday morning was seen before night,
You in all your born days saw, nor I didn't neither,
So many fine horses and men ride together.
At the head, the lower house trotted two in a row,
Then all the higher house pranc'd after the low;
Then the Governor's coach gallop'd on like the wind,
And the last that came foremost were troopers behind;
But I fear it means no good, to your neck nor mine;
For they say 'tis to fix a right place for the line." †

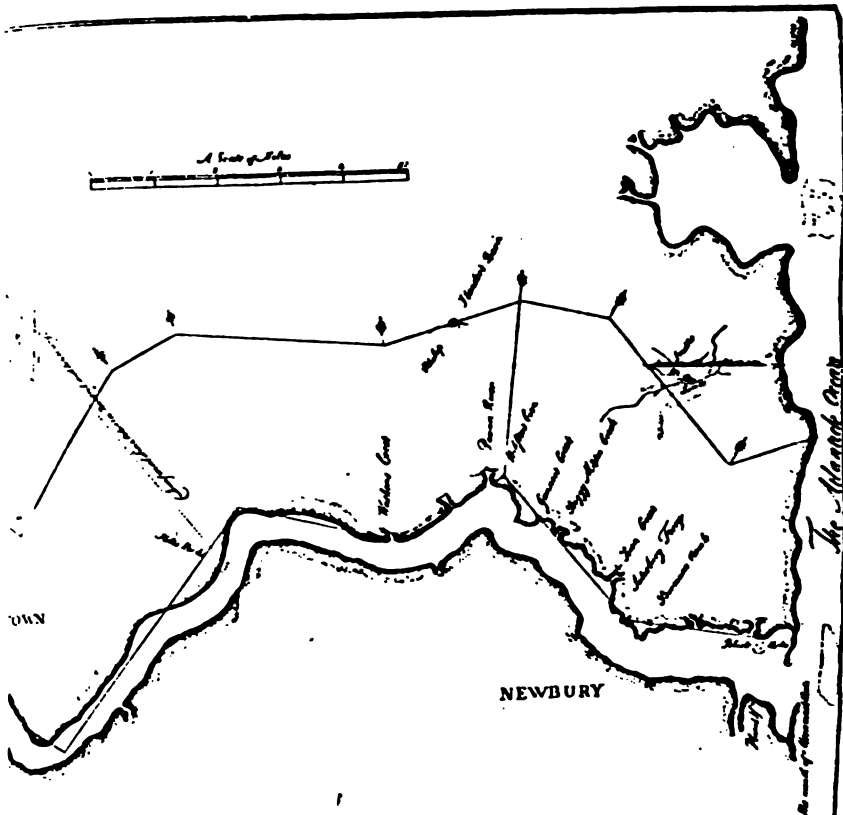
The members of the two provincial legislatures were unable to agree upon the details of the plan submitted to them for the settlement of the questions in dispute, and adjourned, after several weeks of deliberation and discussion, without accomplishing the object for which they assembled.

In 1740, the dividing line was fixed and established by the "King and the Lords of the Privy Council," but some questions of importance in regard to the laying out and surveying of the same were left undecided until the close of the nineteenth century.

In 1785, the heirs of Samuel Allen and the descendants of Robert Mason were contending in the courts of Massachusetts

* Province Laws, vol. I., p. 10.

† Belknap's History of New Hampshire, vol. II., p. 139.



the River MERRIMACK from the Atlantic Ocean to Puntabell Falls describing Bounds between His Majesty's Province of New Hampshire & the Kingdom of England in His Majesty's Order in Council 1741

at 1741
 June 20th
 W. 1741
 John Smith
 Secretary

Printed in the Office of the

and New Hampshire for the land granted Capt. John Mason in 1622.*

In 1899, the marks and bounds between the two states were adjusted and completed under the supervision of a board of commissioners, of which the Hon. George W. Cate, of Amesbury, was a member.

January 5, 1686-7, the selectmen of Newbury presented the following petition:—

To Sr Edmond Andrewes, Knight Governor of his majesties possessions and Dominions in New England in America.

The Humble Petition of the Inhabitants of the Towne of Newbury in the County of Essex in New-England sheweth :

Whereas our Sovereign Lord King James the Second of his most gracious favor hath been pleased to Send your Excelency to be Governour over us in these his majesties Territories and Dominions in America, and hath nominated sundry prticular Gentlemen of this Country to be your excelencys Honourable Councill for the right management of affairs for the ease and good of his subjects here, and there not being one of the sd Councill that doth inhabite neerer unto us than twenty miles, and this Towne with the rest of the Townes Cittuate uppon y^e River Merrimack (being none of the inferior parts of this Country) are found to be at greater charg than other places for want of such officers as are very needfull & y^t other Townes are priveleged with.

Wee therefore humbly crave that your excellency would be pleased to take it into your consideration to appoint & impower some man or men to take the acknowledgment of deeds and give oaths and a clark to issue forth all such warrants and writts as are usuall and needfull for County Courts, wch will be of a great ease to us of that burthen which of late wee have sustained and your petitioners shall be forever bound to pray for, and are

Your excellencys most Humble servants

HENRY SHORT	Selectmen of y ^e
JOHN BADGER	Towne of New-
BENJ. MORSE	bury in y ^e name
CUTTING NOYES	& by vote of y ^e
JOSEPH LITTLE	sd Towne.†

What action was taken by the governor and council in answer to this petition is uncertain. Probably a commissioner

* Memoir of Capt. John Mason, p. 139.

† Town of Newbury Records, vol. ii. (1680-92), p. 57.

was appointed to attend to the acknowledgment of deeds, the issuing of writs, and the punishment of crime.

Revenue was needed for the support and maintenance of the colonial government; and, January 20, 1686-7, the following notice was sent:—

To the Selectmen and Constables of Newbury.

His Excelency y^e Gov^rnour and Councill having by y^e order of the 12th of this instant January directed the Treasurer to give forth his warrants pursuant unto an order of councill of y^e 4th of y^e above said January for a single Country Rate of one penny in y^e pound to his Majesty for support of y^e Government to be assessed levied & collected according to former usage.

You are therefore Required in his Majesties name to assess and levie upon y^e severall inhabitants of your Towne equally & proportionally according to y^e severall Rates and according to former usage and custom for y^e raising & levying of publick charges, y^e full sum of one penny in the pound making a p^rticular account & list thereof under y^e severall hands of you y^e selectmen, certifying y^e sum totall into y^e Treasurer and y^e said list deliver unto y^e constables of your Towne who are alike required to levie and collect y^e same forthwith making distress where need shall bee (according to former man^r) taking up severall sorts of Grain at such prices as were lately set forth by y^e president and Councill viz: Wheet at 5^s, Rye & pease at 4^s, Indian Corn at 2^s 9^d & oats at 2^s per bushell & in case any pay money in lieu of country pay they are to be abated one third of all which y^e Constables are required to make good Account & speedy payment to y^e Treasurer, or his order. See y^t all sorts of Graine Be merchantable & y^t you receive no leane cattell nor horses. Hereof faill not as you will answer y^e contrary at your perill.

Dated in Boston 20th day of January An. Do. 1686-7 in y^e second yeare of his Majestys Reigne

JNO USHER Treasurer.*

On the twenty-fifth of February following, the selectmen levied a tax upon all the inhabitants of Newbury, which was entered in full upon the records of the town, and a return thereof made to the treasurer of the colony as follows:—

Worshipful s^r, according to your warrant bearing date January 20, 1686-7 we have made a rate according to former usage and custome y^e sum of which £40 & 10^s (heads being rated by us at 20^d A head as formerly) w^{ch} rate we have now delivered to y^e Constables of our Towne in

* Town of Newbury Records, vol. II. (1680-92), p. 64.

two p's viz: to Joseph Ilsley constable y^e sum of twenty three pounds & ten shillings & to Moses pillsbury constable ye sum of Seaventeen pounds both wch we have ordered to be forthwith gathered and delivered to yourself according to your warrant.

y^r humble servants
 y^e selectmen of Newbury,
 HENRY SHORT
 JOHN BADGER
 BENJ MORS
 CUTTING NOYES
 JOSEPH LITTLE *

At a meeting held in Boston June 1, 1687, "His Excellency Sir Edmund Andros, Knt," being present with the following councillors,

Joseph Dudley	Jno Usher
W ^m Stoughton	Jno Hinks
Robert Mason	Richard Arnold
Waite Winthrop	Edward Randolph,
Rich ^d Wharton	

it was "ordered that all publique Records in the late Government now annexed under this Dominion be brought to this towne and put into y^e custody of y^e Secr^y or his Deputy." †

June 22, 1687, his Excellency "ordered that the records of Essex county be delivered into the hands of stephen Sewall who is commissioned to be clerk of the Inferiour Courts in the County of Essex." ‡

At this time John Usher was treasurer and receiver-general of New England. He was ordered to send out warrants for the assessment and collection of taxes to meet the annual expenses of the government.

Many inhabitants of the colony refused to pay these taxes, and the treasurer was compelled to purchase arms and ammunition for the expedition against the Penobscot Indians with his private funds or by the use of his personal credit. After the Revolution of 1689 he was sued for the recovery of a large sum of money due on several unsettled accounts. The case was decided against him. He was imprisoned, and

* Town of Newbury Records, vol. ii. (1680-3), pp. 62, 63.

† Massachusetts Archives, vol. cxxvii., leaf 128. ‡ Ibid., vol. cxxvi., leaf 364.

his property seized and sold. Among the papers that remained in his possession until his death was the following tax list of the inhabitants of Newbury in 1688, fourteen years of age and upwards: *

TAXES UNDER GOV. ANDROS.

TOWN RATE OF NEWBURY, 1688. *

AN INVOICES OF AUGUST, '88.
NEWBURY.

	Heads.	Houses.	Plow Land.	Meadow.	Past.	Horses.	2 yr old.	1 yr old.	Oxen.	Cows.	3 yr old.	2 yr old.	1 yr old.	Sheep.	Hogs.	
Jno Woodbridge, Esqr	0	4	30	50	40	2	0	0	6	3	6	6	6	34		31
Capt Richd Dunbar, Esqr	1	4	12	40	40	2	0	1	2	8	0	4	6	30	2	33
Capt Ill Peirce	1	4	40	50	100	5	1	1	8	14	3	7	7	60	12	46
Mr Richd Kent	0	2	6	20	30	2	0	0	2	2	0	0	0	20	3	5
Mr Richd Dole	1	4	15	30	40	4	1	0	4	12	4	10	10	40	6	55
Henry Short	1	2	12	20	30	3	0	1	4	5	3	2	1	30	5	12
Mr Pert Lowe	2	1	5	10	0	1	0	0	4	1	1	1	1	10	2	11
Mr Lowe & Thomas	1	1	5	10	0	0	0	0	4	1	1	1	1	10	2	11
Dec. Noyes	1	4	16	30	4	2	0	0	0	4	3	3	3	33	6	26
Ensign Clark	3	4	14	16	10	2	0	1	4	5	0	0	0	30	3	11
Doct Toppan	3	4	14	12	1	2	0	0	3	4	6	2	4	50	3	21
Mr Longfellow	1	2	6	10	0	1	0	0	0	1	2	1	1	10	2	6
Serj Richardson	0	2	12	16	3	2	0	0	2	3	1	0	0	10	1	17
Serj Moody	3	4	18	8	2	3	0	0	4	6	0	1	3	30	4	13
Serj Coker	3	2	12	12	0	3	0	0	4	4	2	0	0	30	1	18
Serj Badger	2	3	10	18	4	2	0	0	4	8	0	2	2	25	4	17
Serj Noyes	1	2	10	12	8	1	0	0	2	5	2	2	1	20	4	13
Serj Hale	3	2	7	0	0	2	0	0	4	4	2	2	0	16	5	13
Corpl Edmund & Jonathn Moers	1	2	12	20	20	2	1	0	2	3	4	1	0	18	1	13
Mr Lunt	1	1	7	10	0	2	0	0	2	4	0	0	0	6	4	12
Mr Wm Moody	1	2	18	15	0	2	0	1	4	5	3	0	5	20	5	20
Mr Moses Gerrish	1	3	10	10	6	2	0	0	2	6	0	0	0	15	1	10
Mr Wm Noyes	1	2	4	0	0	1	0	0	0	1	0	0	0	12	0	4
Richd Jackman	1	1	3	1	2	1	0	0	2	2	0	1	3	4	0	7
Alrd Addams	1	2	12	30	20	2	0	0	4	8	4	3	4	30	3	25
Edmund Moers, Junr	1	1	2	12	16	1	0	0	0	3	0	0	2	6	3	26
Joseph Goodridg	1	1	8	15	10	2	1	0	4	3	2	4	16	0		26
Dunkan Stuard	1	0	0	0	0	1	0	0	2	7	3	1	0	14	1	14
Charls Stuard	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	7
Wm Chandler	1	1	4	0	0	2	0	0	2	3	0	0	0	8	1	10
Jno Bartlet, Senr	2	2	10	12	0	2	0	0	4	4	0	0	0	30	3	7
Joshua Richdson	1	0	6	10	0	1	0	0	0	4	1	0	1	10	1	1
Wm Danford	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
Joshua Boynton	1	0	10	20	3	1	0	0	2	2	1	2	2	3	1	3
John Kent Senr	1	2	14	30	20	3	0	0	4	12	0	3	4	35	4	26
Georg & Moses Little	1	2	12	34	8	2	0	0	6	5	4	4	4	40	6	25
James Jackman Senr & Junr	1	2	6	9	2	2	0	0	4	4	3	2	2	15	5	17
Joseph Downer	1	1	6	8	3	2	0	0	2	4	2	1	1	20	3	12
Benj Coker	1	1	6	0	0	0	0	0	1	0	3	0	0	8	0	3
Mr Jos Woodbridg	1	0	0	0	0	2	1	0	0	3	0	0	0	0	0	6
Natha Wheeler	1	2	3	5	10	1	0	0	0	2	0	0	0	0	2	2
Benj Wheeler	1	1	3	5	10	1	0	0	0	0	0	0	0	0	2	4

* New England Historical and Genealogical Register, April, 1874, pp. 156-164, inclusive.

AN INVOICES OF AUGUST, '88.
NEWBURY.

AN INVOICES OF AUGUST, '88. NEWBURY.															
	Heads.	Houses.	Flow Landa.	Meadow.	Past.	Horses.	2 yr old.	1 yr old.	Oxen.	Cows.	3 yr old.	2 yr old.	1 yr old.	Sheep.	Hoggs.
Thomas Titcomb	1	0	3	0	0	0	0	0	0	0	0	0	0	0	0
Richd Petengall	0	0	4	6	0	0	0	0	2	3	0	0	1	6	2
Samll Petengall	0	0	4	6	0	1	0	0	2	3	1	0	0	10	1
Mattw Petengall	0	2	1	0	0	1	0	0	2	4	0	0	0	13	3
Cornl March	1	4	14	8	12	6	0	0	4	9	4	3	3	35	2
Tho: Thurlo	2	4	16	16	20	3	0	0	0	4	4	2	1	10	1
franc Thurlo	2	1	18	10	18	0	0	0	2	2	0	1	1	10	2
John Thurlo	1	0	2	0	0	1	0	0	2	1	0	0	0	0	0
Steph ^a Jaques	2	4	18	20	10	2	0	0	4	6	2	2	2	50	6
Thomas Hale Sen ^r	1	2	7	20	5	2	0	0	2	4	3	2	2	15	0
Thomas Hale Jun ^r	1	2	7	20	5	1	0	0	2	3	2	1	10	10	2
Richd Dole Jun ^r	1	2	6	10	0	1	0	0	2	2	0	1	1	10	2
Widw Poer	0	1	4	6	0	0	0	0	0	0	0	0	0	0	0
John Poer	1	3	6	8	12	1	0	0	1	5	4	4	2	20	4
Henry Poer	1	1	2	6	0	1	0	0	2	4	0	0	0	10	0
Joseph Poer Sen ^r	1	1	2	4	0	1	0	0	0	4	0	0	0	10	2
Danill Thirston	2	3	12	20	6	2	0	0	2	5	2	2	0	10	0
Jos: Pluiner Sen ^r	2	2	14	24	10	1	0	0	2	4	3	3	0	20	2
Samll Pluiner	1	2	7	15	6	1	0	0	2	4	1	1	3	12	2
Ephra ^m Pluiner	1	1	3	10	6	1	0	1	2	3	0	2	1	12	3
James Browne	2	1	6	12	0	2	0	0	2	3	0	0	0	15	2
Widw Knight	1	1	8	18	8	2	0	0	4	3	0	2	3	12	3
John Knight	1	2	8	12	6	1	0	0	2	3	0	2	1	12	3
Joseph Knight	1	2	6	12	4	3	0	1	5	7	1	2	6	12	3
Benj Rolfe	4	3	26	22	20	3	0	0	4	4	1	4	2	30	5
John Noyes	2	1	5	12	0	1	0	0	2	4	2	0	1	15	6
franc ^s Willet	2	1	1	0	0	1	0	0	0	1	0	0	0	2	0
Nicho Rawlince	0	0	2	1	0	1	0	0	0	1	0	0	0	0	5
Samll Hills	2	1	0	0	0	1	0	0	0	1	0	0	0	6	1
Jno Hendrick	1	1	4	10	0	0	0	0	0	2	0	0	1	0	4
Mr Tucker	1	2	0	0	0	0	0	0	0	1	0	0	0	0	1
James Carr	1	1	6	10	0	1	0	0	2	2	0	0	0	5	0
Joseph Mayo	1	2	0	0	0	0	0	0	0	1	0	0	0	0	0
William Worum	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Benj Person	2	1	6	0	0	1	0	0	2	3	1	0	0	6	2
Joseph Moring	1	0	0	0	0	1	0	0	2	3	0	1	0	10	0
Robt Mingo	1	1	0	4	4	1	0	0	0	1	0	0	0	0	2
Timoth Noyes	1	1	4	0	0	1	0	0	2	4	2	0	0	10	5
Jonath Clark	1	0	0	0	0	0	0	0	0	1	0	0	0	0	0
Joshua Mors	1	2	12	16	0	1	0	0	4	5	0	2	2	16	3
John Kelly	2	2	14	20	7	4	0	0	3	5	3	0	3	12	4
Jonath ^a Emery	1	1	6	6	0	0	0	0	2	3	1	0	0	6	0
Jno Atkin Sen ^r	2	4	6	6	0	1	0	0	2	4	0	0	0	16	2
Jno Webster Jun ^r	1	1	2	4	0	1	0	0	0	2	1	0	0	10	2
Elisha Hsley	0	1	6	10	0	2	0	0	0	3	1	0	20	3	
Isaack Hsley	1	1	3	5	0	1	0	0	2	2	0	0	4	2	
Peter Cheny Sen ^r	4	1	2	6	0	1	0	0	0	2	0	0	0	0	1
Danll Cheny (Constable)	2	2	10	20	14	0	0	0	0	0	0	0	0	0	0
Joseph Pike	2	1	8	18	6	2	0	0	4	4	3	4	20	2	
Jno Wicomb	2	1	8	6	0	2	0	1	2	4	2	0	0	4	
George White	0	0	0	10	0	0	0	0	0	0	0	0	0	0	0
Jno pson Sen ^r Jun ^r	0	0	0	12	0	0	0	0	0	0	0	0	0	0	0
Jno Moody	1	0	6	6	0	1	0	0	0	1	0	0	0	0	0
Phillip Hood	1	0	0	0	0	0	0	0	0	2	0	0	0	0	0
Wm Molton	1	2	0	0	0	1	0	1	0	2	0	0	0	6	0

AN INVOICES OF AUGUST, '88.
NEWBURY.

	Heds.	Houses.	Flow Land.	Meadow.	Past.	Horses.	2 yr old.	1 yr old.	Oxen.	Cows.	3 yr old.	2 yr old.	1 yr old.	Sheep.	Hogs.
Penll Titcomb	1	4	1	8	0	1	0	0	2	3	0	1	1	16	0
Jno Kent Junr	3	1	12	6	12	1	0	0	4	5	0	0	1	16	0
James Ordway	2	2	9	10	0	2	0	1	4	4	0	1	2	30	2
John Ordway	3	3	5	0	0	1	0	0	2	2	2	0	2	30	1
Peter Marshall	2	3	5	0	0	1	0	0	0	3	0	0	0	0	7
Jno Badger Junr	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Jno Kingsbury	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Joseph Rowleson	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Mr Wm Nisbitt	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
John Browne	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
John Davis	1	1	1	0	0	1	0	0	4	2	2	0	2	10	1
Zach Davis	1	2	2	0	0	0	0	0	0	2	0	0	0	0	1
Ephm Davis	1	2	2	0	0	1	0	0	0	1	0	1	0	0	0
Jeremiah Davis	1	0	0	0	0	0	0	0	0	1	0	0	0	0	0
Cornis Davis	1	1	3	0	0	1	0	0	2	4	0	0	0	7	4
Edward Woodman	0	1	4	0	6	1	0	0	0	4	0	1	1	15	1
Samll Poer	2	1	8	0	0	1	0	0	2	3	0	0	0	0	1
Joseph Poer Junr	1	1	8	0	12	1	0	0	2	3	2	0	2	20	4
Edward Poer	1	1	2	0	0	1	0	0	0	2	0	0	0	6	0
Aquilla Chace	1	1	10	0	10	1	0	0	2	4	0	1	1	15	2
Danll Mussiloway	1	1	4	0	0	1	0	0	4	4	0	0	2	16	3
Benj Lowle	1	0	0	0	0	1	0	0	0	2	0	0	0	8	1
Charls Anis	3	1	5	0	0	3	0	0	0	5	2	2	0	20	3
Hugh March Junr	3	1	9	0	0	1	0	0	2	2	0	0	0	0	1
John Sweet	1	1	12	12	4	0	2	0	2	4	1	0	2	12	3
Abell Long	1	1	6	8	0	0	0	0	0	2	0	0	0	4	1
Widw Reb Browne	1	1	6	0	0	1	0	0	2	3	0	0	0	10	2
Jno Browne	1	1	2	0	0	1	0	0	2	2	0	0	1	0	2
Peter Godfrey	0	1	12	4	12	0	0	0	0	3	0	1	2	6	1
Richd Browne	3	2	17	18	10	3	0	0	4	5	2	2	0	12	1
Joshua Browne (Constable)															
Henry Lunt	2	1	8	12	6	1	0	0	2	3	0	0	0	10	1
Wm Bolton	2	0	6	0	0	2	0	0	1	5	0	0	0	8	3
Wm flating	1	0	0	0	0	0	0	0	0	2	0	0	0	0	0
Tho: Rodgers	1	0	6	0	0	1	0	0	0	2	0	3	0	7	1
Jno Mitchill	1	1	6	4	0	1	0	0	2	1	0	0	0	3	1
Tho Chace	1	1	8	1	0	1	0	0	0	3	0	2	1	8	3
Tho: Hollinsbee	1	0	2	0	0	1	0	0	0	1	0	0	0	0	0
Abell Huss	1	0	8	10	4	2	0	0	2	4	0	0	0	10	2
Moses Chace	1	1	2	0	0	1	0	0	0	2	1	0	1	7	0
Hugh Pike	1	1	0	0	0	1	0	0	0	2	0	0	0	0	0
Wm Muffit	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Jno Emery Junr	1	1	10	6	20	2	0	0	2	5	0	3	1	6	3
Wm Sawyer	0	2	12	12	0	1	0	0	4	4	0	2	2	9	3
Steph. Sawyer	1	0	0	0	0	1	0	0	0	3	0	0	0	7	1
Jno Sawyer	1	1	5	0	0	1	0	0	2	3	0	0	1	10	2
Samuell Sawyer	1	1	8	5	4	2	0	0	2	5	0	0	3	10	2
Jno Chace	1	2	0	0	0	0	0	0	0	1	0	0	0	0	0
Benj Moss	2	2	10	5	0	1	0	0	2	3	1	1	2	12	2
Zach Ayers	1	1	5	0	0	1	0	0	0	2	0	0	2	3	0
Tho: Bartlet	1	1	2	0	0	0	0	0	0	2	0	0	0	0	1
Jno Greenleaf	2	1	0	0	0	1	0	0	0	2	0	0	0	0	1
Jno Worth	1	1	6	0	0	1	0	0	2	2	0	1	2	8	1
Abell Pillsbury	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Job Pillsbury	0	1	10	4	10	2	0	0	2	3	1	3	0	12	3

321

AN INVOICES OF AUGUST, '68.
NEWBURY.

	Heads.	Houses.	Flow Lands.	Meadow.	Past.	Horses.	2 yr old.	1 yr old.	Oxen.	Cows.	3 yr old.	2 yr old.	1 yr old.	Sheep.	Heggs.
Wm Pillsbury	1	1	4	0	0	0	0	0	0	2	0	0	0	8	1
David Killy	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
James Coffin	2	2	0	0	0	0	0	1	0	2	0	0	0	0	1
Joseph Halsey	1	2	8	12	6	1	0	0	2	4	2	3	2	20	3
Tobi Coleman	1	0	4	6	0	1	0	0	2	3	0	2	0	0	4
Jonath Thurio	1	1	0	0	0	1	0	0	0	2	0	0	0	8	0
Richd Thurio	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
— Ayres					2	1	0	6	7	2	1	0	0	3	1
Saml Ayres	1	1	12	40	✓3	3	0	0	4	5	1	4	0	16	7
John Crow	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Henry Toltwood	1	0	0	0	0	1	0	0	4	0	0	0	0	0	0
Henry Dole	2	2	0	0	0	1	0	0	0	2	0	0	0	5	3
Total	269														

By virtue of a warrant from Jno Usher Esqr Receiver Genl of his Majes Revenues within his Territory and Dominion in Newe England bearing date July 14, in y^e fourth year of his Majes Reigne Annoq Dom' 1688. We y^e subscribed Commissioner & Selectmen of Newbury being mett together this 30 of August 1688 have made a list of the male p^{er}sons of our Towne, from foreteene years old & upwards & a true estimation of all Reall & p^{er}sonall estate, according to y^e act of Councill according as is contained in these five sheets & y^e sum is Sixty pounds two Shillings & sixpence.

THOMAS NOYES, Coh

{ Indorsed. }

Newbury Rate
£60 2 6

D. DAVIDSON

D. PRINCE

NATHL CLARKE

JACOB TOPPAN

Selectmen
for the Towne
of Newbury.Daniel Cheney }
Joshua Browne } Constab.

Newbury Rates

(The rate was written on six sheets. The second sheet begins with the name of Richd Pettengall, the third with that of Jonathn Emery, the fourth with that of Capt. Tho. Noyes, the fifth with that of John Davis, and the sixth with that of Benj. Mors.)

PROVISIONAL GOVERNMENT.

When it became known that King James II. had been compelled to leave England, and that William, Prince of Orange, had entered London in triumph, the inhabitants of the colony of Massachusetts Bay, irritated and exasperated by the arbitrary laws and illegal taxes to which they had been subjected under Sir Edmund Andros, determined to submit no longer to his despotic rule. April 18, 1689, they demanded the surrender of the fort on Castle island in Boston harbor, seized and imprisoned Sir Edmund Andros, and in the month of July following sent him to England by order of King William III.

A committee of safety, composed of some of the most

prominent citizens of Boston, was appointed to correspond with the authorities of other towns in the colony in regard to the organization of a temporary government.

At a meeting of the inhabitants of the town of Newbury, held May 6, 1689, Capt. Thomas Noyes and Lieut. Stephen Greenleaf, sr., were chosen to consult with the Committee of Safety in Boston, "and consider with them what may be best for the conservation of the peace of the country." * Plans for a provisional government, with all the powers and privileges needed for such an emergency, were matured, and submitted to the freemen of the colony for approval.

May 20, 1689, the inhabitants of Newbury voted that "we freely now give our consent to the freemen of this Towne to make choyce of the Gov^r, Dept. Gov^r, and the Assistants chosen and sworn in the year 1686 to be our Lawfull authority, and desire our Representatives which we make choyce of to attend this business this weeke or so long as they necessarily may be detained in settling this matter and that the freemen choose and send down their deputys as formerly." *

At a meeting held June 3, 1689, Capt. Thomas Noyes and Lieut. Stephen Greenleaf, sr., were again chosen to represent the freemen of Newbury in Boston in compliance with an order received from the Committee of Safety, dated May 30, 1689.

June 21, 1689, "by order of the Governm^t & Committee of Safety dated June 14, 1689," a meeting was held for the election of town officers in Newbury. Richard Dummer was chosen moderator, Moses Little and Benjamin Morse constables.

Moses Gerrish, Joseph Pike, Abraham Adams, Joseph Knight, and John Emery, selectmen.

John Noyes, Richard Brown, Daniel Merrill, and John Badger, way wardens. It was also "voted to allow the selectmen only twenty shillings a piece for this years service."

At a meeting of the inhabitants of the town held July 1, 1689,

* Town of Newbury Records, vol. III., p. 101.

... for the settling of our millitia for the p^rsent exegences it was voted that our desire is that all our milletary officers that were in comission upon May 12, 1686 do take y^e care and conduct of us in peace and war, as they in their discession shall see meete untill we shall have time and opportunity for a farther choyce.*

It was also voted y^t the selectmen shall forthwth provide eight bushels of wheat & get it amediately made into biskit to be disposed of according to y^e discession of the Captains to such souldiers as shall go out against ye Indians or for y^e use of the Towne otherwise, if y^r be not occasion for y^e end afores^d.*

Also we desire & empower y^e s^d Committee of militia to appoynt so many houses to be fortified among us as they shall see cause & to proportion so many familys to each fortification according to they^r discession.*

The new charter establishing the province of Massachusetts Bay was, after considerable delay, granted by the king in September, 1691; and Sir William Phips was appointed royal governor. He arrived in Boston May 14, 1692; and a few days later the new government was inaugurated with an imposing civil and military parade. Writs were issued for an election of deputies to the General Court to be held on the eighth day of June following. Capt. Daniel Pierce and Capt. Thomas Noyes were chosen to represent Newbury in the first legislative assembly convened under the new charter.

DIVISION OF THE UPPER COMMONS.

As early as May 21, 1679, a committee, consisting of Mr. John Woodbridge, Mr. Richard Dumer, jr., Henry Jaques, Tristram Coffin, John Emery, jr., Francis Brown, John Baily, Robert Long, Richard Bartlett, James Ordway, Tho. Hale, jr., and Capt. Daniel Peirce, was appointed to devise, if possible, a way or plan for the division among the freeholders of the "upper commons," or the "upper woods" as they were sometimes called, from Artichoke river to the Bradford line.

In consequence, however, of some dissatisfaction among the inhabitants, who were not freeholders, and therefore not directly benefited by the proposed distribution, no definite plan was adopted until several years later. At a legal meet-

* Town of Newbury Records, vol. III.

ing of the freemen and freeholders, held January 16, 1683-4, it was voted "that six thousand acres of the upper common shall be lotted out, namely, one thousand acres to the non-freeholders, and soldiers, and five thousand acres to the freeholders, to every freeholder alike, with an addition to some few men that have deserved more, and this shall not be a precedent to the future in the ordering or dividing of any other part of the common." *

Further proceedings were delayed until the freemen and freeholders could agree upon the size of the lots and the number of persons to whom one or more of these lots should be assigned.

May 5, 1686, a committee consisting of John Woodbridge, Esq., Capt. Richard Dumer, Capt. Daniel Peirce, Capt. Thomas Noyes, Lieut. [Tristram] Coffin, Deacon [Cutting] Noyes, Deacon [Robert] Long, Ensign [Nathaniel] Clarke, Mr. Richard Bartlet, Lieut. [Stephen] Greenleaf, Mr. Richard Dole, sr., Sergt. [Caleb] Moody, James Ordway, sr., Sergt. John Emery, jr., Joseph Pike, George March, and Henry Short, was chosen "to agree upon a meete way of dividing the commons and bring in they' result and conclusion to the towne." *

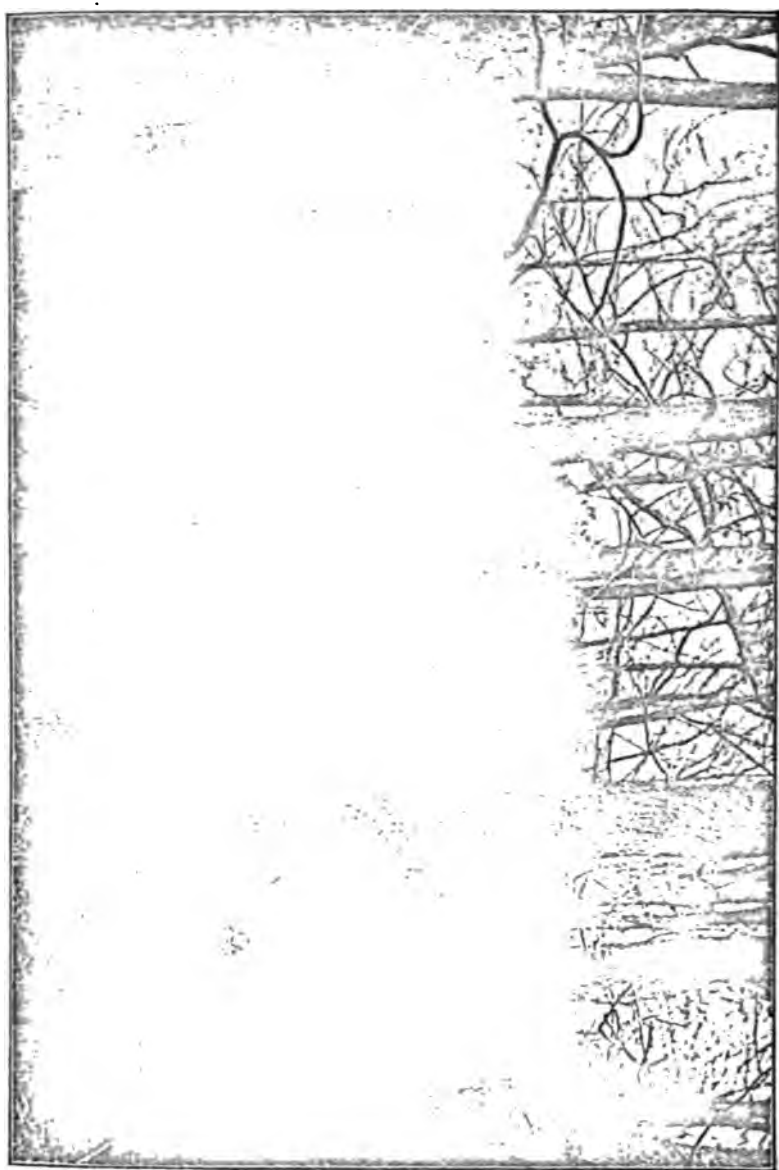
The committee reported October 20, 1686; and the town voted "that the upper commons be divided in the following manner; namely, the six thousand acres, one-half of them in quantity and quality be divided among the freeholders, to every freeholder a like share, and the other half of said commons be divided among all such inhabitants of this towne, and freeholders as have paid rates two years last past, proportionable to what each man paid by rate to the ministers rate in the year 1685." *

October twenty-first, a committee was appointed to lay out the land. At a town meeting held November twenty-sixth the lots were drawn, and December second the lot-layers were ordered to give the freeholders possession of the lots "in the name of ye town."

On the first page of the Proprietors' Book, volume second,

* Town of Newbury Records.

A FREEHOLD LOT IN "THE UPPER WOODS."



the bounds and dimensions of these lots, with the names of the freeholders to whom they were assigned, are recorded, and also the following statement:—

Whereas the freeholders & inhabitants of the Towne of Newbury did by a vote of theirs dated October 20, 1686 pass a vote y^t the upper commons be divided that is the six thousand acres, the one half to ye freeholders, to every freeholder a like share as in ye s^d vote may appeer more at large And whereas ye Town at a Legal meeting October 21, 1686 did then apoint and choose Capt Danll pearce, Lieut Greenleaf, Lieut Coffin, Ensign Clark, Joseph Pike, and Serjent John Emery & Henry Short to be a committee to laye out ye above s^d six thousand Acres to ye freeholders and inhabitants of Newbury according to the rule above mentioned

The freehold lotts being laid out by ye s^d Committee, and ye freeholders meeting Nov. 26, 1686 they did then draw ye lotts y^t is the freehold lotts as is hereafter expressed.

And at a legall meeting of the freeholders Dec. 2, 1686 and of the whole Towne it was voted y^t ye two lott layers viz. Lieut Coffin & Henry Short should lay out to ye freeholders and give them possession in the name of ye Towne of y^t freehold lotts according as they were drawes which is done and Bounded as followeth together with ye high wayes which were appointed by the Committee the second of Dec. 1686

The first range of lotts for the freeholders beginning at Serj John Emerys ffarm* and so running up Merrimack river unto Mr. Gerrish his farme.†

One hundred and six lots were recorded as laid out by the committee appointed December 2, 1686; but the record was declared to be imperfect, and it was made void at a town meeting held September 26, 1687. On that day the inhabitants of the town appointed Tristram Coffin, Joseph Pike, John Emery, and Capt. Thomas Noyes to make a new list of the lots, giving their bounds and limits and the names of the freeholders by whom they were drawn. The same committee was chosen January 27, 1687–8, at a meeting of the freeholders; but, Capt. Noyes declining to serve, Richard Dole was elected in his place.

The committee reported in detail March 2, 1687–8, carefully describing each lot as follows:—

* At Artichoke river.

† Mr. John Gerrish's farm was at or near the dividing line between the town of Newbury and Bradford.

The first lot fig^r (1) being in estimation thirty rods broad at Bradford rode & twenty nine rods broad at the end next the River be it more or less, Laid out to the originall right of Samuel Scullards freehold drawn or claimed by ensign Nathaniel Clark Bounded by Serj Emerys land easterly, Bradford Rode southerly, by the Second lott westerly, by the highway of four rods broad next Merrimack River northerly.

The Second Lott fig^r (2) being in estimation eighteen rods broad at Bradford rode & at y^e river and twenty five rods broad be it more or less Laid out to the original right of Thomas Colemans freehold drawn or claimed by Serj ffancis Browne bounded by the first lott easterly, Bradford Rode southerly, by the third lott westerly, & by the high way of four rods broad next Merrimack River northerly.

One hundred and eleven lots, with one additional to Peter Cheney "for the Mill freehold," were recorded, and also the statement of the committee made December 2, 1686, and printed on the preceding page, to which a clause was added laying out "a highway or Rode thru' our s^d land to Bradford line, begining at Artichoak River and so continuing to Bradford line," four rods wide.*

DIVISION OF THE LOWER COMMONS.

The committee appointed, May 5, 1686, to agree upon a plan for dividing the common land belonging to the freeholders of Newbury, recommended, October 20, 1686, that eleven hundred acres of the lower commons be divided into five general pastures, and the rest of the commons into wood lots, according to the rule adopted in the division of the upper commons.

October twenty-first, the freeholders voted to allow the wood lots to remain undivided "for feeding, burning, and carting," and December 13, 1686, Capt. Thomas Noyes, Thomas Hale, sr., Ensign [] Toppan, Joseph Ilsley, and Abraham Merrill were appointed a committee to lay out the five pastures.†

January 13, 1701-2, the freeholders voted to divide, "according to former rule, eighteen hundred acres of the lower

* Town of Newbury (Proprietors') Records, vol. II., pp. 22-40, inclusive,

† Ibid., vol. I., p. 27.

commons, reserving pasturage for four cows for the ministry in the east end of the towne, three for the ministry in the west end, three for the free school, and the herbage of twenty cows for the benefit of the towns poor." *

January 21, 1701-2, a committee was appointed "to stint as to herbage" all the common land remaining undivided, and also to apportion among the freeholders and inhabitants, according to the rule previously adopted, all the wood and timber standing on the said land. The committee, "consisting of John Pike, Jacob Toppin, Aquila Chace, Stephen Jaques, Henry Somerby, John Ordway, Henry Short, and Thomas Hale," completed their work December 12, 1702.†

June 22, 1708, the herbage on the wood lots and on other land lying in common was again divided among the freeholders and inhabitants of the town in proportion to the tax that each man paid for the support of the ministry in 1685.

July 6, 1708, a committee appointed for that purpose reported in favor of dividing the wood lots into two general pastures, and the other common lands into four pastures, to be held by the persons to whom they were assigned for their sole use and benefit.‡

March 14, 1714-15, the town granted Joseph Ilsley, Richard Kelly, John Pike, and others "liberty to build a pound by the country road near John Hales house for the impounding of cattle trespassing upon the general pasture at old town."

RIVER LOTS AND PUBLIC LANDINGS.

When the new town was laid out in 1645, there was evidently a narrow strip of land along the bank of the Merrimack river that was not divided among the freeholders.

March 14, 1698-9 the lottlayers with Majr Thomas Noyes, Mr George March, Capt Stephen Greenleaf, & Mr William Noyes were chosen a committee to measure the Bank of Merrimack River belonging to the Towne from Capt John Kents to Coll Peirces little meadow § and bring

* Town of Newbury Records; also, Proprietors' Records, vol. ii., pp. 86-100, inclusive.

† Town of Newbury (Proprietors') Records, vol. ii., pp. 47-85, inclusive.

‡ Ibid., vol. ii., pp. 110-125.

§ Capt. John Kent's land was at the foot of what is now Kent street, Newburyport, and Col. Peirce's little meadow was near the corner of Ocean avenue and Plum Island turnpike.

AN INVOICES OF AUGUST, '80.
NEWBURY.

AN INVOICE OF AUGUST, '88.																
NEWBURY.																
	Hands.	Houses.	Plow Lands.	Meadow.	Past.	Horses.	2 yr old.	1 yr old.	Oxen.	Cows.	3 yr old.	2 yr old.	1 yr old.	Sheep.	Hedge.	
Colten Frazer	1	0	2	6	6	1	0	0	0	5	0	2	0	0	0	
Antho. Mors	1	2	3	0	2	0	0	0	0	1	1	1	1	12	0	
Jno Hale Junr	2	1	6	10	4	2	0	0	2	3	2	1	0	1	1	
Joseph Plumer Junr	1	0	0	0	0	1	0	0	2	4	2	0	0	12	2	
Peter Cheney Junr	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
George Hardee	1	2	6	0	0	0	0	0	2	4	0	0	0	0	0	
Thomas Green	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
James Stuart	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Ben Goodridg Junr	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Hugh Mathews	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	
Silvanus Plumer	1	1	7	15	6	2	1	0	2	3	2	1	12	3	0	
Saml Greenleaf	1	0	2	2	0	0	0	0	0	1	0	0	0	0	0	
James March	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0	
Nath Clark Junr	2	2	6	4	0	1	0	0	2	2	0	0	12	1	0	
Edward Ordway	1	2	6	6	0	2	0	0	4	2	2	0	15	1	0	
Jno March	2	3	3	0	0	2	0	0	0	0	0	0	0	0	1	
Abell Huse Junr	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Wm Huse	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Danl Peirce Junr	1	0	0	0	0	2	0	0	2	1	0	0	6	0	0	
Jno Stickney	1	2	6	3	0	1	0	0	2	3	0	0	2	1	0	
Joseph Wheeler	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Mr L. Hart	3	2	0	0	0	0	0	0	0	0	0	0	0	0	0	
Steph Emery	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0	
Capt Tho: Noyes	1	4	16	30	3	4	0	0	5	7	0	0	38	7	0	
Mr H. Sewall	0	4	1	0	0	0	0	0	0	0	0	0	0	0	0	
Levt Woodman	0	0	10	16	2	1	0	4	4	1	0	2	10	3	0	
Levt Greenleaf Senr	3	2	10	8	10	4	0	6	6	0	3	25	3	0	0	
Levt Greenleaf Junr	3	4	1	0	0	1	0	0	2	0	0	0	0	4	0	
Ensign Toppan	2	2	8	10	5	1	0	4	5	0	2	25	0	0	0	
Serj Browne	2	2	12	4	8	1	0	2	8	0	4	20	1	0	0	
Serj Emery	1	2	9	4	8	3	0	2	6	2	1	4	20	3	0	
Serj Webster	2	2	6	10	0	2	0	2	7	1	0	0	20	5	0	
Serj Little	2	2	12	12	20	2	0	1	6	12	5	4	30	5	0	
Mr Woodman & Jonathan	1	2	8	16	4	0	0	2	4	0	0	2	15	0	0	
Mr Jno Sewall	0	2	6	8	6	1	0	4	6	1	0	2	20	4	0	
Deac Long	2	1	11	15	3	1	0	2	3	0	0	0	10	1	0	
Deac Coffin	3	4	5	8	3	2	0	4	5	2	1	3	30	3	0	
Dr Dole	1	4	2	0	4	1	0	0	2	0	0	0	0	1	0	
Mr White	0	4	0	0	0	0	0	0	0	1	0	0	1	0	1	
Corpl Smith	2	2	14	16	0	1	0	4	3	1	0	0	20	3	0	
Jno & Joseph Bayley	1	2	26	0	0	2	0	4	9	3	2	0	30	4	0	
Henry Somerby	2	2	12	20	24	2	0	4	6	2	2	1	30	2	0	
Isaac Bayley	1	2	15	6	0	1	0	4	6	0	1	3	20	3	0	
Richd Bartlet Senr	0	2	7	4	1	1	0	0	3	0	0	2	0	1	0	
Saml Bartlet	1	1	4	3	10	2	0	0	3	1	2	0	10	2	0	
Richd Bartlet Junr	2	2	2	0	6	2	0	0	5	0	1	0	20	2	0	
Mr H. March Senr	0	3	2	1	0	1	0	0	1	0	0	0	0	0	0	
Abram Merrill	2	2	12	4	0	2	0	2	5	0	2	0	20	4	0	
Daniel Merrill	2	2	12	0	0	2	0	2	5	4	0	4	30	6	0	
Abell Merrill	1	1	5	0	0	1	0	0	5	2	2	2	10	4	0	
Jno Merrill	1	1	5	3	0	1	0	2	1	0	0	0	8	0	0	
Penul Titcomb	2	2	9	20	0	2	0	2	4	1	1	2	20	2	0	
Wm Titcomb	1	1	2	0	0	0	0	0	0	0	0	0	0	0	0	
Caleb Richdson	2	2	2	0	0	0	0	0	2	1	0	0	1	1	0	
Joseph Richdson	1	1	6	0	0	1	0	0	2	2	0	0	6	0	0	

$$418.64$$

AN INVOICES OF AUGUST, '88.
NEWBURY.

	Heads.	Houses.	Plow Lands.	Meadow.	Past.	Horses.	2 yr old.	1 yr old.	Oxen.	Cows.	3 yr old.	2 yr old.	1 yr old.	Sheep.	Hoggs.
Penl Titcomb	1	4	1	8	0	1	0	0	2	3	0	1	1	16	0
Jno Kent Junr	3	1	12	6	12	1	0	0	4	5	0	1	1	16	0
James Ordway	2	2	9	10	0	2	0	1	4	4	0	1	1	30	2
John Ordway	3	3	5	0	0	1	0	0	2	2	2	0	2	30	1
Peter Marshall	2	3	5	0	0	1	0	0	0	2	0	0	0	0	7
Jno Badger Junr	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Jno Kingsbury	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Joseph Rowleson	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Mr Wm Nisbitt	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
John Browne	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
John Davis	1	1	1	0	0	1	0	0	4	2	2	0	2	10	1
Zach Davis	1	2	2	0	0	0	0	0	0	2	0	0	0	0	1
Ephraim Davis	1	2	2	0	0	1	0	0	1	1	0	1	0	0	0
Jeremiah Davis	1	0	0	0	0	0	0	0	1	1	0	0	0	0	0
Cornis Davis	1	1	3	0	0	1	0	0	2	4	0	0	0	7	4
Edward Woodman	0	1	4	0	6	1	0	0	0	4	0	1	1	15	1
Samll Poer	2	1	8	0	0	1	0	0	2	3	0	0	0	0	1
Joseph Poer Junr	1	1	8	0	12	1	0	0	2	3	2	0	2	20	4
Edward Poer	1	1	2	0	0	1	0	0	0	2	0	0	0	6	0
Aquilla Chace	1	1	10	0	10	1	0	0	2	4	0	1	1	15	2
Danll Mussilloway	1	1	4	0	0	1	0	0	4	4	0	0	2	16	3
Benj Lowle	1	0	0	0	0	1	0	0	0	2	0	0	0	8	1
Charles Anis	3	1	5	0	0	3	0	0	0	5	2	2	0	20	3
Hugh March Junr	3	1	9	0	0	1	0	0	2	2	0	0	0	0	1
John Swett	1	1	12	12	4	0	2	0	2	4	1	0	2	12	3
Abiell Long	1	1	6	8	0	0	0	0	0	2	0	0	0	4	1
Widw Rebe Browne	1	1	6	0	0	1	0	0	2	3	0	0	0	10	2
Jno Browne	1	1	2	0	0	1	0	0	2	2	0	0	1	0	2
Peter Godfrey	0	1	12	4	12	0	0	0	0	3	0	1	2	6	1
Richd Browne	3	2	17	18	10	3	0	0	4	5	2	2	0	12	1
Joshua Browne (Constable)															
Henry Lunt	2	1	8	12	6	1	0	0	2	3	0	0	0	10	1
Wm Bolton	2	0	6	0	0	2	0	0	1	5	0	0	0	8	3
Wm flaffing	1	0	0	0	0	0	0	0	0	2	0	0	0	0	0
Tho: Rodgers	1	0	6	0	0	1	0	0	0	2	0	3	0	7	1
Jno Mitchell	1	1	6	4	0	1	0	0	2	1	0	0	0	3	1
Tho Chace	1	1	8	1	0	1	0	0	0	3	0	2	1	8	3
Tho: Hollinsbee	1	0	2	0	0	1	0	0	0	1	0	0	0	0	0
Abell Huse	1	0	8	10	4	2	0	0	2	4	0	0	0	10	2
Moses Chace	1	1	2	0	0	1	0	0	0	2	1	0	1	7	0
Hugh Pike	1	1	0	0	0	1	0	0	0	2	0	0	0	0	0
Wm Muffit	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Jno Emery Junr	1	1	10	6	20	2	0	0	2	5	0	3	1	6	3
Wm Sawyer	0	2	12	12	0	1	0	0	4	4	0	2	2	9	3
Steph. Sawyer	1	0	0	0	0	1	0	0	0	3	0	0	0	7	1
Jno Sawyer	1	1	5	0	0	1	0	0	2	3	0	0	1	10	2
Samuell Sawyer	1	1	8	5	4	2	0	0	2	5	0	0	3	10	2
Jno Chace	1	2	0	0	0	0	0	0	0	1	0	0	0	0	0
Benj Moss	2	2	10	5	0	1	0	0	2	3	1	1	2	12	2
Zach Ayers	1	1	5	0	0	1	0	0	0	2	0	0	2	3	0
Tho: Bartlet	1	1	3	0	0	0	0	0	0	2	0	0	0	0	1
Jno Greenleaf	2	1	0	0	0	1	0	0	0	2	0	0	0	0	1
Jno Worth	1	1	6	0	0	1	0	0	2	2	0	1	2	8	1
Abell Pillsbury	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Job Pillsbury	0	1	10	4	10	2	0	0	2	3	1	3	0	12	3

July 23, 1734 Then received of Mr James Badger the sum of forty shillings for Breach of the Law in taking in a tenant and not Informing y^e town clerk nor selectmen of y^e town of his so doing; the tenants name is Nathan presly with his wife and four children.

WILLIAM ILSLEY	} <i>Selectmen for Newbury</i> *
MOSES GERRISH	
JOSEPH COFFIN	

November 25, 1734 Received of Moses Titcomb forty shillings for taking in a tenant and not Informing y^e town clerk nor Selectmen of y^e town of his so doing; the tenants name is Stephen Jackman with his wife and several children.*

MERCHANDISE LOST AND FOUND.

The General Court, in a law passed June 15, 1698, provided that any person finding horses, sheep, cattle, money, or goods "shall give notice thereof in writing unto the clerk of the town in which they were found, to be entered in a book to be kept for that purpose: and shall also cause the same to be cryed by the constable or publick cryer in such town, on three several days, at a publick meeting of the inhabitants thereof; and to be posted up in some publick place." †

A few of these legal notices, recorded by the town clerk of Newbury, are as follows:—

In the month of April, 1714, Peter Coffin reported having found "a sword or rapier."

May 16, 1715, Mr. Fawn Clement found a lot of ship timber "to y^e number of about seaventy sticks which are hewed and suitable for fuddocks and naval timbers and knees."

June 15, 1715, Major D. Davison reported having found "a wallet with about nine pounds of cotton wool in it & a small bag with about eight pound of sugar in y^e s^d bag."

March 30, 1718, Joseph March reported as found "in September last a cannoo of about twelve foot in length and about three foot in wedth with a bolt and Ring in y^e hed of s^d cannoo and a piece of plank across y^e stern: y^e cannoo was very much shaken."

* Records of the Selectmen of Newbury.

† Province Laws, vol. 1., p. 326.

October 15, 1719 Mr. Joseph Boynton of Rowle informed of his finding three pounds, one shilling & six in paper money.

November 30, 1727 a gold ring was found in the town of Newbury by John Bradbury of Salisbury.

April 20, 1728 a little before sun sett found in y^e Towne of Newbury a wash leather deerskin by Enos Bartlet without any mark.

April 18, 1736 Found by Mr John Noyes one silver seal in y^e Town of Newbury with the letters H. I. marked in said seal.

January 12, 1736-7 Joseph Lunt informed that he & John Moodey Junr found a pine mast of about fifty three foot long on plumb lland.

November 30, 1760 taken up by Richard Kent one barrell of Cyder supposed to be Drove on Shore near his house, by stress of weather, no owner as y^e appears.

MORTGAGE LOANS AND BILLS OF CREDIT.

September 20, 1721, the town of Newbury voted to receive its proportion of the bills of credit issued by the treasurer of the province of Massachusetts Bay, under the act passed by the General Court July 13, 1720; and Deacon Nathaniel Coffin, Ensign William Titcomb, and Licut. Henry Rolfe were appointed trustees to take charge of the same.

They shall also let out & improve s^d money for y^e benefit of s^d Towne at five per cent per annum to settled substantial inhabitants of our Towne & they shall lett to no person less than ten pounds & shall lett to no one person more than thirty pounds at one time & that upon good personal security & they shall not lett s^d money for longer time than one year at a time,—and we do allso give s^d trustees or y^e major part of them full power to receive and gather in all y^e money which they shall so lett out with y^e interest which shall become dew for y^e same & they shall pay into y^e Towne or their order, yearly y^e interests of s^d money as it shall become due & shall render to y^e Towne yearly a faire & Just account of their doings in this afaire in writing under their hands, so long as they are continued in s^d office of Trustees: allso y^e Towne reserves liberty to Release s^d trustees & chuse others when they se cause to do it: & s^d Towne reserves liberty to give s^d trustees other instructions to act by in this business which s^d Trustees shall conform to: when given.*

November 22, 1727, the General Court provided for another loan of sixty thousand pounds in bills of credit to the various towns in the province. April 16, 1728, "Maj^r Joseph Ger-

* Town of Newbury Records.

rish, Deacon Abiel Somerby and Deacon Caleb Moody" were chosen trustees by the town of Newbury to receive and take charge of bills of credit to the amount of £1,328, 15s., and to manage and invest the same upon the following terms and conditions:—

1. They shall let to no one man more than thirty pounds or less than ten pounds of our bills of credit.

2. They shall take good & substantiall sureties or personal security according to y^e province act.

3. They shall let out none of s^d Bills of Credit for a longer time than one year & shall let none of said Bills of Credit out of this Towne.

4. They shall gather in & pay in unto y^e Treasurer of y^e province four per cent annually according to y^e province act.

5. That no man be taken as a surety for more than one man at a time.

6. The said Trustees shall act in this afaire as they shall receive instructions from y^e Towne.

7. They shall give to y^e Towne a plain, just & true account of their doings herein under their hands from time to time when it shall be called for.*

February 25, 1729–30, the inhabitants of Newbury voted "that one hundred pounds of this Towns bills of credit which are in y^e hands of Henry Rolf, Esq, Ensign William Titcomb & Nath^l Coffin (as they are a committee employed by s^d Town, ect.) for & toward y^e paying of Francis Wilks, & Jonathan Belcher, Esq. for what cost & charge they have been, or may be at, in doing business (at y^e court of great Britain) for & in behalf of his Majesties province of y^e Massachusetts Bay in New England; y^e selectmen are hereby ordered to draw said money out of y^e hands of said committee & send it to y^e speaker of y^e House of Representatives to be by him disposed of for y^e use & servis above mentioned if y^e selectmen se cause to do it." †

Subsequently a part of the interest received from these bills of credit was used to defray the expenses of the Third Parish Church in Newbury.‡

* Town of Newbury Records.

† Ibid. "Passed in the affirmative, and not one man was known to vote against it."

‡ "Ould Newbury," p. 433.

PLUM ISLAND.

For nearly fifteen years after the incorporation of the town of Newbury the General Court retained possession of the low, narrow island that extends from the mouth of the Ipswich river to the mouth of the Merrimack. The following order was passed March 13, 1639:—

Plum Island is to remaine in the Courts power only for the present Ipswich, Newebury, and the newe plantation (Rowley) between them may have the use of it, till the Court shall see cause otherwise to dispose of it.*

At a meeting of the freemen of Newbury held March 6, 1648-9, "... there was chosen Mr. William Gerrish, John Saunders, Daniel Pierce, Henry Shorte, Richard Knight, Robert Coker, William Titcomb, Archelaus Woodman and John Merrill, to bee a committee for the towne to view the passages into Plum Island and to informe the courte by way of petition concerning the rights the towne hath to the sayd island and to have full power with Mr Edward Rawson to draw forth a petition and present it to the next general courte." †

Mr Edward Rawson, Mr John Spencer and Mr Woodman was chosen by the towne to joyne with those men of Ipswich and Rowley, that was appointed to bee a committee about Plum island. ‡

At the next session of the General Court, Thomas Parker, Percival Lowle, John Spencer, John Saunders, James Noyes, William Gerrish, Edward Woodman, Henry Shorte, and Richard Knight (or Kent?) presented a petition "in the name of the whole town," in which they set forth the claims of the inhabitants of Newbury to the free and unrestricted use of the whole island. The General Court, however, granted October 19, 1649, "two parts to Ipswich, two to Newbury, and one to Rowley." ‡

September 23 and 26, 1661, all the marsh land in Newbury bordering on Plum Island river was divided among the

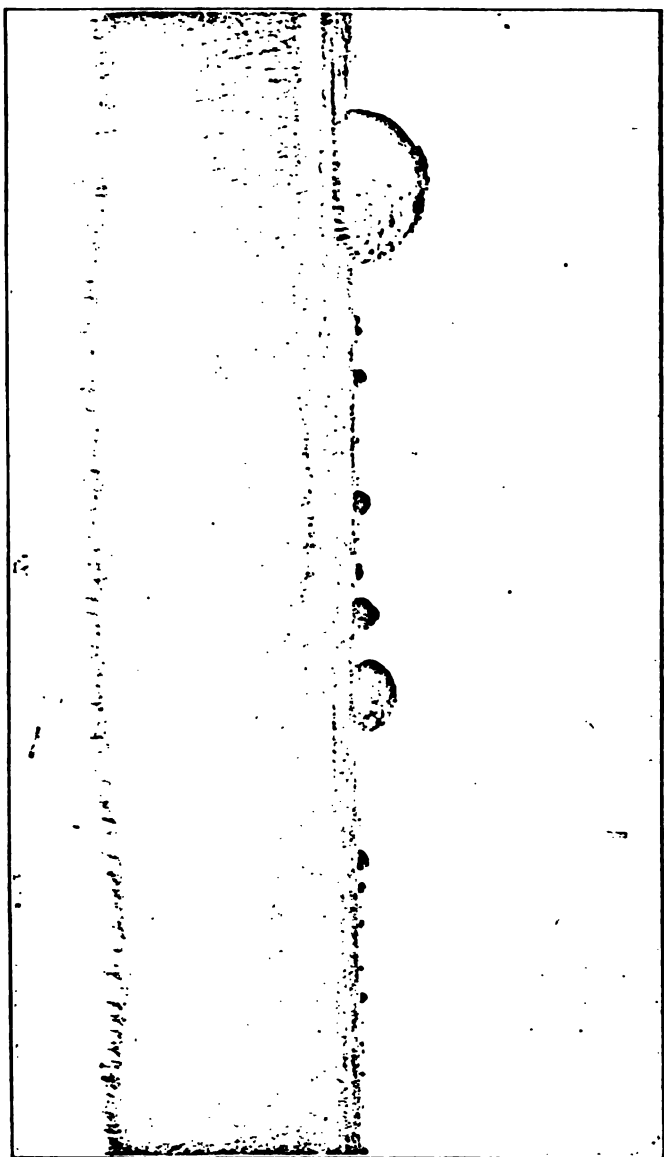
* Massachusetts Colony Records, vol. 1., p. 252.

† Town of Newbury Records, vol. 1.

‡ Coffin's History of Newbury, pp. 50, 51; Massachusetts Archives, vol. cxli., pp. 24, 25.

NEWBURY MARSHES.

"Where merry meowen, hale and strong,
Sweet, scythe on scythe, their swathe along
The low green prairies of the sea."



freholders of the town.* The first division extended from Rowley bounds to Sandy beach, in lots of four acres each numbered from one to fifty-one, and the second division from one to thirteen, inclusive; also, about one hundred acres "beginning at the upland next Merrimack Barre and so extending to Sandy Beach," seventeen lots in all, of varying size, from four to ten acres each; "also the marsh land in the neck over the Great River," fourteen lots of five acres each.†

The incoming tide, with the salty flavor of the sea, frequently overflowed the low, level marshes and rendered them productive and valuable. Large crops of salt hay were cut from them every year without fear of impoverishing the soil. Mowing machines and horse-rakes had not then been invented, and hand scythes were used in cutting, and small wooden rakes in turning and making the hay that was piled in cone-shaped stacks or ricks until it could be removed.

Although the northerly end of Plum island is only a succession of sandhills, with a few straggling bushes and thin patches of coarse grass scattered here and there, the southern extremity is more fertile. Horses and cattle belonging to the inhabitants of Ipswich, Newbury, and Rowley, were pastured there during the summer months; and sometimes the number was so large that the scanty herbage growing there was insufficient to support them. In answer to the petition of the selectmen of Ipswich, the General Court ordered, May 30, 1679, "that no horses or cattle be put upon said island without the consent of the major part of the proprietors of the said island."‡

At that date all the land on the northerly side of the Rowley line, on Plum island, was held in common by the inhabitants of Newbury, except about eighty acres previously granted Richard Dole and Henry Jaques in exchange for a certain number of acres of marsh land.

"June 10, 1662, there was laid out unto Richard Dole &

* The statement in Coffin's History of Newbury, p. 64, and in "Ould Newbury," p. 212, that the island was divided at that time, is incorrect, as the division evidently included only the marsh land along Plum Island river.

† Newbury (Proprietors') Records, vol. I., pp. 67-74, inclusive.

‡ Massachusetts Colony Records, vol. V., p. 232; also, "Ould Newbury," p. 212.

Henry Jaques a parcell of upland in plumb island joyning to Rowley bounds on the south and Newbury marsh on the west" * by Richard Knight, John Knight, William Titcomb, Archelaus Woodman, and Hugh March for the town of Newbury. November 12, 1675, the same persons, with the addition of John Emery, sr., consented to a revision of the bounds and limits of the above-described land.†

April 5, 1714, the town of Newbury "voted to grant liberty to M^r Benjamin Woodbridge and M^r Henry Somerby to cut timber on Plum Island to finish two wharfs with." ‡ It was also voted May 8, 1717, "that all neat cattle and horses shall be kept off Plum Island from May first to October first every year." § In 1739, the General Court passed an act to prevent horses, cattle, sheep, and swine from running at large on Plum island. This act was renewed from time to time until the year 1792.

March 25, 1755, the proprietors of that portion of the island lying within the limits of Newbury met at the town-house in Newbury. A committee was chosen to prosecute all persons trespassing upon the property of the proprietors, and the same committee was instructed to take charge of all merchandise thrown upon the beach by the force of the wind or the action of the sea. Similar committees were appointed at meetings held in 1756, and subsequently. §

At a meeting of the proprietors, held September 2, 1827, the standing committee, consisting of Daniel Adams, 3d, Anthony Davenport, and Josiah Little, were instructed to sell at public auction "all the lands belonging to the said Proprietors in the town of Newbury"; and December 29, 1827, "as agents for the Freeholders & Proprietors of common and undivided land in Newbury, West Newbury, and Newburyport," they sold and conveyed by quitclaim deed for the sum of six hundred dollars to Moses Pettingell, of Newbury, "That part of Plumb Island lying & situate in said town of Newbury, containing twelve hundred acres, more or less," "reserving for public use the public buildings and the way leading to the

* Town of Newbury Records, vol. i., p. 89.

† *Ibid.*, p. 67.

‡ Coffin's History of Newbury, p. 185.

§ Town of Newbury Records.

same : also a privilege for the dwelling house & for the light houses belonging to the United States." *

SMALL-POX AND OTHER CONTAGIOUS DISEASES.

Stringent rules and regulations were adopted by the town of Newbury to prevent the introduction of contagious diseases.

March 10, 1690-1, the selectmen were ordered to see that all persons infected with small-pox were removed to some isolated place, and provided with nurses and attendants. They were also ordered to supply food and clothing to the persons so removed, and to the families of those who were unable to take care of themselves.†

March 24, 1729-30, the selectmen were instructed "to use their utmost endeavors to prevent persons & goods being brought from Boston into this Towne whereby we may be in danger of having ye small-pox brought among us." †

March 10, 1751-2, a committee was chosen to inspect all vessels that came into the Merrimack river, "to see whether there are any cases of small-pox on board"; and the same committee was instructed to give immediate notice to the selectmen if they found any person sick with small-pox in any dwelling-house within the limits of the town. On the twenty-seventh day of March following, the selectmen were authorized to prohibit the passing and repassing of boats over Parker river containing goods liable or supposed to be infected with small-pox. They were also instructed to build a dwelling-house on Plum island, "near the upper end of said island," for the town's use; to order all vessels coming into Merrimack river "to anchor below Hook's Point until they are Properly examined; and to publish the substance of these votes in the newspapers of the day." †

Bills for labor, glass, and lumber "for ye house on Plum Island," were charged in the account of disbursements rendered by the selectmen for the year 1752.

In November, 1759, several cases of small-pox were re-

* Essex Deeds, book ccxlii., p. 270.

† Town of Newbury Records.

ported in the West parish, "near the plains"; and, before the disease could be stayed, thirty-six persons, all but two of them adults, died.

March 28, 1763, the inhabitants of the town appointed a committee to select a convenient place for a "Pest House," and ascertain the cost of building the same; and May 12, 1763, they voted "to build the Pest House in the great pasture, to be 38 feet long, 28 feet wide and one story high." *

January 27, 1763-4, the selectmen were authorized to provide gates for the old-town bridge and Thorley's bridge, and also gatemen, or guards "to prevent any person infected with the small pox from coming into the town." *

May 15, 1764, the town voted that the selectmen of Newburyport be notified that the guards appointed to prevent the spread of small-pox had been discharged, and that travellers could pass the gates at the bridges without inspection.*

AMMUNITION AND POWDER-HOUSE.

The selectmen of Newbury were required to provide powder and ammunition for the militia, and were instructed to keep a reasonable supply on hand at all times.

September 2, 1670, John Bartlett, William Chandler, Edmund Moores, Samuel Plummer, and Caleb Moody, selectmen, "received of Nathaniel Clarke a barrell of powder for the Townes use for which they agree to pay ten pounds." *

January 9, 1676, the selectmen ordered "that a barrel of powder be purchased & also fifteen hundred flints." *

Under the law enacted by the General Court November 22, 1693, every town in the province of Massachusetts Bay was required to provide "a barrel of good powder, two hundred weight of bullets and three hundred flints for every sixty listed souldiers." †

In 1722, the selectmen of Newbury had on hand seven bags and two casks, containing five hundred and forty-three pounds of bullets, and eight casks, containing three hundred and fifty-seven pounds of powder.‡

* Town of Newbury Records.

† Province Laws, vol. i., p. 131.

‡ Coffin's History of Newbury, p. 192.

May 15, 1741, the inhabitants of the town voted to divide, in equal proportions, among the organized parishes all the ammunition belonging to the town, and to instruct the selectmen to see that it was safely stored and kept.*

May 16, 1743, the selectmen were authorized to agree with some suitable person to build a convenient house "in which to keep the town's stock of ammunition"; but they evidently did not avail themselves of the privilege granted them, for the inhabitants of the town voted, October 30, 1745, that the selectmen provide a suitable place "in which to keep the Town's stock of powder," and, March 12, 1753-4, ordered the selectmen "to build a powder house."*

February 19, 1754-5, the selectmen paid Abiel Somerby £6, 5s. 4d. "for bricks for y^e Powder House"; and a few weeks later they paid several small bills for shingles and rocks and for labor on the building.

SECOND PARISH.

As early as 1685 the inhabitants of the west end of the town, living four or five miles from the meeting-house, asked permission and help to enable them to establish and maintain the public worship of God near their own dwellings. Three or four years later a few individuals erected a meeting-house on land at or near the place where "the way to the mill, at the mouth of Artichoke river" crosses the road leading to Bartlett's cove, marked X on the map on page 239. They invited Mr. Edward Thompson to officiate as minister there; but the town objected to his coming, and protested against his being allowed "to set up a lecture and preach."

After a long and bitter contest between the zealous friends and vigorous opponents of Mr. Thompson, a compromise was effected, and a committee appointed December 21, 1694, "to draw up articles and proposals in order to setting off part of the west end of the towne" as a separate parish.

January 1, 1694-5, the town voted

... that Pipe Stave Hill, near Daniel Jaques' house shall be the place for the meeting house, and those that live nearest to the place

*Town of Newbury Records.

shall pay to the ministry there, and those that live nearest to the old meeting house shall pay there: the inhabitants of the west end to choose a minister for themselves, only Mr. Thompson excepted. The meeting house to stand where it do until the major part of them see cause to remove it.

It is not to be understood that any of those that are usually called the farms, or those lands commonly called the falls are to belong to the west part of the Towne as to the maintaining of a minister but the dividing line shall be from the middle way between the proposed place on pipe stave hill to the old meeting house and from the ^{sd} middle way in the Rode to run on a streight line to Francis Brownes house neer birchen meadow & so streight to the Little pond.*

The dividing line between the First and Second parishes shown on the map on page 239 extends from A to C, and thence to a point on the Merrimack river, nearly opposite Deer island, numbered 25.

During the summer of 1696 the building erected by the inhabitants of the west end of the town in 1689 or 1690 was enlarged and repaired. About an acre of land adjoining was enclosed with a stone fence or wall, and is now known as "the burying ground at Sawyer's hill." †

May 17, 1700, Deacon Benjamin Morss was instructed to prepare a petition to be presented to the General Court for authority to levy taxes and to elect assessors, collectors, and other officers necessary to carry on the work of the parish; ‡ and January 25, 1710-11, Sergt. John Ordway and Sergt. Joseph Pike were appointed a committee "to desire y^e town of Newbury to choose men to join with them to run y^e line between y^e Town & y^e West precinct and also to settle y^e bounds according to the Towns vote." §

March 13, 1710-11 Major Henry Somerby and the two lot layers chosen a committee to run the line between y^e Town and the West precinct. ||

Samuel Sewall states in his diary, under the date of May 10, 1709, that he "visited cousin Jacob Toppan and laid a stone in the foundation of y^e meeting house at Pipe Staff hill." The building of this new house of worship created

* Town of Newbury (Proprietors') Records, vol. i., p. 23.

† "Ould Newbury," pp. 363-367.

§ Ibid., p. 29.

‡ Newbury (Second Parish) Records, p. 15.

|| Town of Newbury Records.

considerable dissatisfaction in the parish; and some of the inhabitants living in the vicinity of Sawyer's hill, by the advice and with the assistance of Mr. John Bridger, of Portsmouth, N.H., erected in 1711 "Queen Anne's Chapel." On Sundays and holy days they held service there "according to the rubrics and ritual of the established Church of England" until the close of the year 1766. The land upon which the chapel stood now forms a part of Belleville cemetery, Newburyport.*

November 11, 1734, the inhabitants of the First parish in Newbury, in answer to the petition of Lieut. Joseph Pike and others, voted to enlarge the Second parish (which had been reduced by the incorporation of the Fourth parish), and make some changes in the dividing line, as follows:—

Beginning at the midway between the two meeting houses in said parishes, in the road near where John Chace formerly dwelt, thence running to the westerly end of Thomas Browns house, formerly called John Browns upper house, and on the same line to the way on ye southerly side of said House, and thence by said way running southeasterly to the way leading from John Coffins to the way called Ash street and thence to run westerly by said way to the way by which Dea. Thomas Chace dwells, called Wheat street, being the bounds between the second and fourth parishes: on condition said second parish abate the money which they have assessed on Andrew Downer as to poll and estate within said line, and the said Downer and his estate, Real and personal, are reserved to the first parish during their pleasure, which is to be abated if accepted by said second parish and entered in their Records as accepted on the aforementioned conditions.†

December 31, 1734, the inhabitants of the Second parish voted "to accept the addition which the first parish in Newbury granted to the second parish by their vote on the 11th day of November 1734."‡

As originally laid out, the parish covered a large area, and included many picturesque hills within its limits. Crane Neck hill, Ilsley's hill, Turkey hill, and Archelaus hill lifted their dome-shaped summits above the level of the surrounding country, while Indian hill and Pipe-stave hill were con-

* "Ould Newbury," pp. 363-390.

† Newbury (First Parish) Records, p. 24.

‡ Newbury (Second Parish) Records, p. 75.

spicuous landmarks often mentioned in the early records of the town. *

Only a few months after the organization of the parish the inhabitants were greatly alarmed by an attack on the house of Mr. John Brown, then standing on the southwesterly side of Turkey hill. October 7, 1695, a party of Indians, who had secreted themselves in that vicinity, seized and carried away nine captives, all women and children.†

BYFIELD PARISH.

At a meeting of the freeholders and inhabitants of Newbury, held December 9, 1701, "Upon y^e request of Mrs Elizabeth Dumer, M^r John Dumer, Mr Joshua Woodman, M^r William Moody, John Tricomb, Nathan Wheeler, Mrs. Jane Gerrish in behalf of her Tenant M^r Richard Dumer, John Smith, Philip Goodridge Joshua Woodman, M^r John Cheney, rollen ffraiser, Philip de-lane, Robert Mingo y^t the one half of their ministry rate heere may be abated for the next rate that is to be made," ‡ it was voted to grant their request, as the petitioners were then living at "the falls," on Parker river, four or five miles away from the First Parish meeting-house, and somewhat farther from the recently organized church in the Second parish. December 16, 1701, about the same number of persons residing in the adjoining town of Rowley asked and obtained an abatement of one-half the tax imposed upon them for the support of the minister in that town. In 1702 a few individuals, owning property in the vicinity, erected a meeting-house on or near the dividing line between Newbury and Rowley, and invited Rev. Moses Hale to become their pastor. He accepted the invitation, and a parsonage was built for him in 1703.

At a legal meeting of the inhabitants of Rowley, held March 16, 1702-3, it was voted:

... that the inhabitants of Rowley living on the northwest side of the Bridge called Rye Plain Bridge, and on the northwest side of the hill

* "Ould Newbury," pp. 339-356.

† Ibid., pp. 287-290; also pp. 392-393. House No. 184, on map of West Parish, p. 392. "Ould Newbury," was owned and occupied by John Brown in 1695.

‡ Newbury Town Records.

called Long hill and joined with the farmers of Newbury that doth border on us in building a new meeting house for the worship of God shall be abated their rates in the ministry rate in the town of Rowley if they maintain with the help of our neighbours at Newbury an Athorodox minister to belong to and teach in the meeting house that they have built, until such time as it is judged that there is sufficient number to maintaine in the northwest part of our towne a minister without the help of our neighbours of Newbury that doth border on us.*

February 20, 1703-4, the inhabitants of the parish, having met for consultation at the residence of Rev. Moses Hale, decided to call the place "Byfield" in honor of Col. Nathaniel Byfield, of Boston.† The Newbury part of the parish was set off October 21, 1706.

Upon reading the petition of the Inhabitants of The falls in y^e town of Newbury, It was voted y^t y^e Dividing Line in reference to their procuring and maintaining a minister amongst themselves and for y^t only, said Line shall begin att Rowley Rivers mouth, and so up said River to Rowley line & so all thence of the Southwardly side of the falls River & of the Northwardly side of the falls River, taking in John Cheney with his land he lives on, and Mr Moodeys ffarm, and the ffarm comonly called Mr Longfellows ffarm, and Mr Gerishes farm, and the westerly part of y^e farm called Thirlow farm until it comes to the Dividing line between Francis Thirlow farm & Thomas Thirlow farm, —for so long a time as they shall maintain an orthodox minister amongst them.‡

May 13, 1707, the bounds and limits of the parish on the Rowley side were established.

Beginning at the great rock in Newbury line, at the head of the great swamp lots, and so along by the northwest end of those lots to Thomas Jewett's land, and so on between said Jewett's land and Rye plain land to the bridge called Rye plain bridge and so [on] the way that runs to Long hill, being at the path this side of Francis Nelson's house, and so to Long Hill, and so along to the road at the elder's plain that goeth to Samuel Brocklebank's farm and following on to the farm laid out as the right of Thomas Barker and so to Brádford line, and along as Bradford line runs to Newbury line.§

The parish was incorporated in answer to a petition signed by John Dummer in behalf of the inhabitants of Newbury

* Massachusetts Archives, vol. xl, pp. 344, 345.

† "Ould Newbury," pp. 291-300.

‡ Town of Newbury Records.

§ History of Rowley, by Thomas Gage, p. 96.

son of William Longfellow, paternal ancestor of the poet, Henry Wadsworth Longfellow, was living at Newbury Falls, "at the place commonly known as ye high field," and Richard Dummer, jr., owned the farm, bounded on the northeast and the northwest by the river Parker (subsequently sold to Mr. Eben Parsons, brother of Theophilus Parsons), now known as the Fatherland farm.*

William Dummer, grandson of Richard Dummer, sr., was appointed deputy governor of the province of Massachusetts Bay June 15, 1716, and held that office for fourteen years. From January 1, 1723, to July 28, 1728, while Samuel Shute, governor of the province, was in England, William Dummer occupied the gubernatorial chair; and, after the death of governor William Burnet, September 7, 1729, he was again at the head of the government for nearly twelve months. He gave his dwelling-house and farm in Byfield parish to a board of trustees, with instructions that the annual income thereof should be "appropriated and set apart towards the maintenance of a grammar school master." A school-house was erected on the Dummer farm, and dedicated February 28, 1763. The next day the school, under the charge of Samuel Moody, of York, Me., as master, commenced its regular sessions. It is still in successful operation, under the charge of Mr. Perley L. Horne, A.M. In 1782 an act of incorporation was passed by the General Court, providing for the management and control of the school, under the title of "The Trustees of Dummer Academy in the County of Essex." †

The photo-engraving on the opposite page is taken, by permission of Mr. Joseph N. Dummer, of Rowley, from a half-tone plate in his possession. The portrait, painted previous to 1750, probably, from which the plate was taken, is the property of the trustees of the academy.

THIRD PARISH.

At a legal meeting of the inhabitants of the First parish in Newbury, held September 19, 1722, it was voted

* "Old Newbury," pp. 305-312 and 327-330.

† *Ibid.*, pp. 313-325.

... that all the Inhabitants that Desire it, on the Northerly side of y^e Lane called Chandler's Lane, and from the uper End of said Lane on a Strait Line to y^e Northerly side of Capt John Marchs farm and thence on a strait Line to John Browns house untill it comes to y^e Line of y^e Second Parish for said Town, Shall Have Liberty to Build a meeting house for them selves In y^e most Reasonable Place for the Convenience of said Inhabitants, and when they are Duly Quallified for it In y^e Judgment of said Parish, are to be set off and freed from the Ministry for this Part of said Parish.*

The boundary-line of the Third parish, beginning at the lower end of Chandler's lane (now Federal street, Newburyport), marked E on the map on page 239, runs in a south-westerly direction to Capt. John March's farm, marked D, and thence to the line of the Second parish, marked C, and thence by the line of that parish to a point on the Merrimack river, numbered 25.

June 9, 1725, the inhabitants of the First parish voted that all persons living within the bounds and limits named in the order adopted September 19, 1722, that are willing to be set off, shall be freed from the maintenance of the ministry in the First parish. At this date a meeting-house had been erected in the centre of a triangular piece of land now known as Market square, Newburyport. It was dedicated June 25, 1725.

A few individuals in the vicinity of Chandler's lane, and a considerable number residing in the northerly part of the new parish, objected to the bounds and limits agreed upon, and appealed to the General Court for relief. A committee appointed by the house of representatives November 26, 1725, the governor and council concurring, after careful investigation reported in favor of incorporating the parish, eight families living beyond the dividing line, on the southerly side of Chandler's lane, to be set off with their estates to the new parish. This report was read and accepted at a session of the General Court held December 18, 1725.†

March 22, 1726-7, the inhabitants of the First parish voted

* First Parish Records, p. 3.

† Massachusetts Archives (Court Records), vol. xlii., pp. 40, 87.

The report is printed in full on pp. 430 and 431, "Ould Newbury"; but the date of its presentation to the General Court was December 18, 1725, not November 3, 1728, as there stated.

... "that the third parish (called y^e water side parish) should have the first Parishes right in y^e old bell w^{ch} was formerly improved for y^e old meeting house." *

Although this vote was passed at the request of a committee appointed by the Third parish, no further action seems to have been taken in regard to it. Possibly the consent and co-operation of the inhabitants living within the limits of the Second parish could not be obtained. At all events, the Third parish voted May 23, 1727, to purchase a bell weighing about four hundred pounds, and also "voted that Jonathan Woodman should treat with some gentlemen in Boston to send a bell for said parish."

In 1730, about an acre of land on the southwesterly side of Frog pond, now known as "The Old Hill Burying-ground," Newburyport, was enclosed with a board fence and set apart as a burial-place by the inhabitants of the Third parish.†

In 1736, the meeting-house was enlarged; and September 30, 1740, Rev. George Whitefield preached his first sermon in Newbury to an immense congregation, that occupied every available seat and filled to overflowing the aisles and galleries of that spacious building.‡

During the war between France and England, Col. Moses Titcomb, who was in command of a battery at the capture of Louisburg in 1745, re-enlisted in the English army when hostilities were renewed, in 1755, between those powers. From the same pulpit Rev. John Lowell, pastor of the church, delivered a sermon, May 22, 1755, before Col. Titcomb and the men under his command previous to their departure for the seat of war. Four or five months later memorial exercises were held in the same place to commemorate the life and character of Col. Titcomb, who was killed in the battle at Crown Point September 8, 1755.§

On the unoccupied land on the westerly side of the meeting-house a huge gridiron was erected after the surrender of Quebec, September 19, 1759; and there with demonstrations of joy an ox was broiled or roasted, and songs were sung commemorating the victories of the year.||

* First Parish Records, vol. I.

† "Ould Newbury," p. 453.

‡ Ibid., p. 526.

§ Ibid., pp. 464-473.

|| Coffin's History of Newbury, p. 224.

FOURTH PARISH.

At a legal meeting of the inhabitants of the Second parish, held August 26, 1729, it was "voted to answer the petition that was put in to ye General Court by some of the inhabitants of y^e west precinct in Newbury on August ye 20th 1729, to have ye precinct divided into two parishes." *

A committee was appointed to prepare a statement to be presented to the General Court; and John Brown, surveyor, was employed to make a map of the parish, showing the proposed line of division.† After considerable discussion and delay the freeholders consented, January 12, 1730-1, to the organization of the new parish, and appointed a committee, consisting of Nathaniel Coffin, Joseph Gerrish, and Henry Rolfe, to take such steps as might be necessary to carry the vote into effect.

May 20, 1731 voted to desire y^e Honourable General Court to confirm and establish y^e division which they [the committee] have made.‡

June 1, 1731, Benjamin Hills and others opposed the report of the committee, and petitioned the General Court to give the new parish more territory and straighten the dividing line, "which is now very crooked and inconvenient." The petitioners, however, after a prolonged hearing were given "leave to withdraw"; and the bounds and limits of the Fourth parish were established as follows: —

Beginning at the southerly end of the way that runs on the northeasterly side of Deacon Thomas Chases homestead where he now liveth & running up said way [Whit street or Merrill's lane] until it comes to Abel Merrill's land where he now dwelleth & thence to run on the southerly side of said Merrill's land until it comes to the next way [Downer's lane] which lies on the northeasterly side of said Merrill's land, and thence on the said way until it comes to the south way, so called, and then to run up said south way until it meets with the land of Mr John Carr or Mr Thomas Noyes and then to run across to the Bradford road so as to take in all the land of the homestead of the said Mr John Carr and Mr Thomas Noyes' land on the westerly side of said line

* Newbury (Second Parish) Records, p. 66.

† "Old Newbury," pp. 391-395.

‡ Newbury (Second Parish) Records, p. 68.

and from thence to run down the lane called Baylys lane to Merrimack river, which line is to the westward of Mr Joshua Bailey's dwelling house and that the inhabitants of such Precinct be vested with the Powers, Privileges and Immunities which other Precincts within the Province have or by law ought to have.*

The division line between the Second and Fourth parishes begins at the point B on the map on page 239, and runs in a northerly direction to J, thence easterly to I, northerly to H, westerly to G, and thence northerly to F on the Merrimack river.

December 4, 1733, this line was slightly changed in answer to the petition of Thomas Chase and others.†

Rev. William Johnson was the first minister of the Fourth parish. He was settled September 15, 1731, and retained his office until his death, February 22, 1772.

FIFTH PARISH.

May 21, 1760, a petition was presented to the General Court, asking that a portion of the Second parish, on the easterly side of Artichoke river, and a portion of the Third parish, on the westerly side of Toppan's lane extending to the Merrimack river on a line to be agreed upon, might be set off and made a new parish.

There was considerable dissatisfaction in the Second parish at this time on account of the location of the meeting-house built during the summer of 1759. November 18, 1760, the inhabitants of the parish "voted y^t Mr Enos Bartlet, Deacon James Brown, and Tristram Coffin are a commiⁿ to trye to remove the uncasiness from any if they can . . . on ye account of placing ye meeting house."‡

February 18, 1761, the inhabitants of the Second parish appointed a committee to draw up a statement of reasons why the petition of Moses Little and others to be set off and incorporated as a separate parish should not be granted, and Mr. William Foster and Deacon Edmund Bayley were in-

* Massachusetts Archives (Court Records), vol. xv., pp. 82, 83; also, "Ould Newbury," p. 399.

† Newbury (First Parish) Records.

‡ Newbury (Second Parish) Records, p. 231.

structed to present the same to the General Court in the month of March next.*

At a legal meeting of the inhabitants of the Third parish, held February 11, 1761, it was voted

. . . that Daniel Farnham, Esq Mr Timothy Pike & Mr Charles Hodge be a committee to make answer at the next setting of the general court to a petition lately preferred to s^d court by a number of the second & third parishes wherein they pray that the general court would set them off all the westerly part of s^d parish as far as Mr Moses Moody's land on the north side of the highway and as far as Toppan's lane on the south side of said way. †

The General Court, however, after due deliberation granted the prayer of the petitioners, April 17, 1761, and established the bounds of the new parish, as follows :—

. . . begining at the north east Corner of Mr Moses Moody's land by Merrimack river, thence by said Moody's land on the southerly side to the country road [now High street, Newburyport]‡ thence eastwardly to Toppan's lane and down to the westerly end of the said lane, thence, upon a straight line to the southeast corner of Francis Brown's land, to the South way, so called, thence westerly by the said way to the southwest corner of the Second Parish, thence by said Parish to Stephen Sawyer's land on the northerly side, thence by said Sawyer's land to the Road nigh his dwelling house, thence to John Rogers' mill dam, thence to the mouth of the Artichoke river at the river Merrimack, together with Capt. Stephen Ordway and his estate.§

All persons living within the above-named limits, except "Edward Toppan, Samuel Cook, John Poor, Mary Morgaridge, Elizabeth Pilsbury, William Weed, John Downing, Joseph Downer, Andrew Downer, John Rogers, junior, Peter

* Newbury (Second Parish) Records, p. 132.

† Newbury (Third Parish) Records.

‡ Moses Moody owned a large tract of land between the Merrimack river and the country road, now High street, Newburyport, extending from Moody's lane, now Woodland street, to a way subsequently laid out and named North street, now Oakland street, Newburyport.

When the Fifth parish was incorporated, the southerly side of Mr. Moody's land was taken as the boundary line. North street was evidently not laid out until 1815, perhaps later. In a deed of conveyance to Thomas Emery, dated November 21, 1796, Moses Moody mentions "land I have reserved for a road two rods wide" ("Ould Newbury," p. 687) ; and Timothy Osgood sold to Samuel Osgood, April 15, 1815, land and buildings in Newburyport bounded "northeasterly on Merrimack street, northwesterly on a new street to be laid down two and one half rods wide" (Essex Deeds, vol. ccv., p. 272). June 7, 1837, John Pearson, 3rd, conveyed to True Choate the same property, "bounded northeasterly by Merrimack street and northwesterly by North street" (Essex Deeds, vol. ccc., p. 265).

§ Massachusetts Archives (Court Records), vol. xxiii., p. 705.

Rogers, and Abiel Rogers," were declared, by order of the General Court, inhabitants of the Fifth parish.

The boundary line of the parish, beginning at a point on the Merrimack river marked L on the map on page 239, runs by a broken line to the letter K, thence to C, thence to B, thence to the Artichoke river, thence by said river to its mouth, and thence by the Merrimack river to the bound begun at.

A meeting-house was erected on Meeting-house lane, now Noble street, Newburyport; and a church was organized July 22, 1762. The first and only minister of the parish was settled September 1, 1762, and dismissed April 28, 1784. Subsequently, a new religious society was formed in the parish, now known as "The Belleville Congregational Church and Society of Newburyport"; and a new meeting-house was erected on High street, near Moody's lane, now Woodland street, Newburyport.

The map on the preceding page is reproduced from a drawing made by E. March for the town of Newbury in 1795.* A few lines showing the metes and bounds of the several parishes have been added: otherwise it is an exact copy, upon a reduced scale, of the original now on file at the State House in Boston.

The location of any house or place named in the following list can be found by its corresponding number on the map:—

- | | |
|---|--|
| 1. Light Houfes on Plumb island Point. | 12. Dumer Accadamy. |
| 2. Little Pine Island River. | 13. Thurla's Mill. |
| 3. Great Pine Island River. | 14. Byfield Meeting House. |
| 4. Pine Island Mills. | 15. Bound of Newbury, Bradford & Rowley. |
| 5. Pa[r]ker River. | 16. Meeting House in the third Parish. |
| 6. Pa[r]ker River Bridge. | 17. Indian River. |
| 7. Little River. | 18. Bridge over Indian River. |
| 8. Pearsons Mills. | 19. Meeting House in the second Parish.. |
| 9. Rowley River. | 20. Artichoke River & Hoopers Mill. |
| 10. Newburyport Woollen Manufactory and Moody's Mill. | |
| 11. Thurla's Bridge. | |

* Massachusetts Archives (Town Plans), vol. ix., plan 30.

- | | |
|---|--|
| 21. Artichoke Bridge. | 27. Meeting Houfe in the first Parish. |
| 22. Meeting House in the fourth Parish. | 28. Meeting House Pond. |
| 23. Amesbury ferrey. | 29. Mill Bridge. |
| 24. Sweats ferrey. | 30. Trotters Bridge. |
| 25. Efsex Merrimack Bridge. | 31. New Bridge. |
| 26. Friends Meeting Houfe. | |

The double prick'd lines exhibit the roads.

Reputed distance from the Centre of the Town to Salem, 24 Miles;
to Boston, 42 Miles.

AREA OF WATER IN THE TOWN.

	<i>Acres.</i>
Flats around Woodbridge's Island	853
Plumb jsland River	359
Little Pine Island river	25
Great Pine Island river	30
River Parker	490
Little River	77
Indian River	19
Artichoke River	38
Meeting Houfe	5
	<hr/> 1896

TOWN-HOUSE AND COURT-HOUSE.

A new meeting-house, the third one "sett up on the knowle of upland by Abraham Toppan's barne," was erected during the year 1700. July 22, 1702, the selectmen were instructed "to consider and report what it will cost to remove the old meeting house farther from the new meeting house, and to fitt it up for a court house, towne house and school house." *

March 17, 1702-3, the town voted to repair the building and make such alterations as were necessary for the accommodation of the Court of General Sessions and the pupils of the town school; but after further consideration this plan was abandoned, and May 23, 1705, "the old meeting house was granted to Richard Brown with liberty to remove it." *

Twenty years later, February 25, 1724-5, the freeholders voted to build a town-house at the upper end of Greenleaf's

*Town of Newbury Records.

lane, now State street, and appointed a committee to make an estimate of the cost of the land, labor, and materials needed.

At a meeting held May 13, 1728, the subject was again under consideration; but no definite action was taken at that time. February 22, 1730-31, the town reconsidered its vote to build a town-house "at ye uper end of Greenleaf's lane," and voted to build it in Chandler's lane, now Federal street.

The estimated cost of the new building and the dissatisfaction arising from the change of location created a strong feeling of opposition to the measure. Subscription papers were circulated for the purpose of raising money to build a court-house and town-house near the tavern at the head of Muzzey's lane, now Marlborough street; and May 11, 1733, the First parish of Newbury was granted "liberty to build a convenient town house within two years at their own cost and charge near lieutenant John March's house." *

May 7, 1734, Benjamin Morse, jr., sold to the First parish a lot of land "bounded westerly & northerly by land of the said Mors, easterly by a way, and southerly by land reputed to be Mr. Fowlers," to build a town-house upon.†

September 18, 1734, the inhabitants of Newbury voted that the interest received from the bills of credit issued by the state should be applied "toward the finishing the Towne House now in building, provided the inhabitants of ye first parish go on & finish said House without asking anything more of the Towne and that said House shall be made sure to the Towne and County by a vote of the first parish as may be reasonable after it is finished." *

November 11, 1734, the parish voted that the town house "now standing in Newbury near y^e Dwelling house of Lieu^t John March shall be for y^e use of the town of Newbury and for y^e use of the County of Essex for y^e keeping and holding of Courts &c." ‡

January 28, 1734-5, James Noyes and John Pearson conveyed to a committee of the First parish in Newbury, consist-

* Town of Newbury Records.

† Essex Deeds, vol. lxix., p. 3; vol. cxxii., p. 34; and "Ould Newbury," pp. 198-200.

‡ Newbury (First Parish) Records.

ing of Joseph Gerrish, Henry Rolf, John March, and Charles Pierce, "one Town House, so called, standing in Newbury aforesaid on a piece of land sold by Benjamin Mors, jun, to the First Parish in Newbury." *

February 27, 1734-5, Mr. John Pearson was authorized to receive from John Appleton, treasurer of the county of Essex, the sum of two hundred pounds in settlement for the town and court house built by the parish.†

Twenty-five years later, when the building needed repairs, an effort was made to remove it to a more convenient location. May 20, 1760, Dr. Nathan Hale and several other petitioners applied to the town for an appropriation for repairing or removing the town-house. This petition was not granted, and on the twenty-sixth day of May following an unsuccessful effort was made to authorize the selectmen to erect a new building nearer the centre of the town.

In 1762, the county of Essex appropriated two hundred pounds for a new court-house in Newbury, "provided the town raise a like sum for the same purpose." This proposal was not acceptable to the legal voters of Newbury; and they declined March 29, 1762, to co-operate with the county in the erection of the proposed building. Some of the inhabitants of the Third parish, however, subscribed a sum sufficient to defray the cost of "a court house for ye use of said county and the inhabitants of the town of Newbury"; and July 7, 1762, Daniel Farnham, Michael Dalton, Jonathan Bayley, Thomas Woodbridge, and others purchased of Joseph Clements eleven rods of land "on Fish Street adjoining his dwelling house," and conveyed the same to John Choate, treasurer of Essex County "for the uses and purposes above expressed and for no other use or purpose whatever."‡ On this land, at the corner of Fish, now State, and Essex streets, a commodious town and court house was erected within the present limits of the city of Newburyport.

The old town-house, on High street, at the head of Marlborough street, was sold, in 1780, and removed.

* Essex Deeds, vol. lxviii., p. 11.

† Newbury (First Parish) Records.

‡ Essex Deeds, book cxi., p. 111.

ALMSHOUSE.

May 17, 1682, the town "voted that the selectmen shall have power to take care that the poore may be provided for, and to build a cottage or cottages for them according to their discretion." *

February 6, 1704-5, the selectmen were ordered to ascertain and report at a subsequent meeting the probable cost of a building suitable for an almshouse. The estimates submitted were evidently unsatisfactory; and no further action was taken until March 12, 1722-3, when "Ensign William Titcomb, Richard Kent, Esq., & Cap^t Henry Rolfe were chosen a committee to view a place for an alms house & make an estimate of the cost of land & of the building to be built." †. The report of the committee was not acceptable to the legal voters of the town, and further consideration of the subject was indefinitely postponed. March 12, 1733-4, a committee, consisting of Doctor Nathan Hale, Joseph Atkins, Esq., Jonathan Poor, Joseph Gerrish, Esq., and Deacon Joshua Moody, was chosen to select a suitable lot of land and procure plans for the proposed new almshouse; but the location selected and the plans agreed upon were vigorously opposed by some of the inhabitants, and after a heated debate the recommendations of the committee were defeated.‡

At a town meeting held March 8, 1736-7, the question was again discussed; and a committee was appointed to consider the advisability of erecting a building for the accommodation of the poor of the towns of Newbury, Amesbury, and Salisbury, "also to ascertain what proportion of the probable cost each of the above named towns will pay." †

The committee was unable to secure the co-operation of Amesbury and Salisbury upon terms and conditions that were considered mutually advantageous; and, after several ineffectual attempts to harmonize conflicting views and interests, the plan was abandoned, although an unsuccessful effort was made to revive it in the spring of 1743. §

December 13, 1743, Joseph Gerrish, Henry Rolfe, and

* Town of Newbury Records, vol. i.

† Ibid., vol. iv., p. 217.

‡ Town of Newbury Records, vol. iv.

§ Merrill's History of Amesbury, p. 206.

John Greenleaf were instructed "to buy land to set a gaol & work house upon & to provide materials &c for said buildings." *

February 4, 1743-4, they purchased a lot of land, four rods wide, on King street, now Federal street, Newburyport. May 15, 1750, the selectmen were ordered "to view the work house and see that it is properly finished." *

March 14, 1757-8, a committee was appointed to see whether a suitable addition could be made to the workhouse for the accommodation of the poor of the town, or whether, upon the whole, it would be more advantageous to buy another lot of land and erect a new building. This committee reported March twenty-seventh; and after some discussion another committee was appointed to purchase, for the use of the town, the dwelling-house of Caleb Moody on Cottle's lane, now Bromfield street, Newburyport.

May 23, 1758, a committee was chosen to sell to the county of Essex the prison house and land in Newbury, and purchase with the proceeds a building suitable for a workhouse for the accommodation of the poor.

For some reason unknown the dwelling-house on Cottle's lane was not purchased; and May 8, 1760, Thomas Woodbridge and Robert Roberts conveyed to the selectmen of Newbury half an acre of land on the southeast side of King street, now Federal street, Newburyport, and there the new workhouse was built.†

October 20, 1763, the town voted to build a small house in the rear of the workhouse for the insane.

COURT OF COMMON PLEAS AND GENERAL SESSIONS.

Under the charter granted by King William and Queen Mary in 1691, courts of justice were established in every county in the province of Massachusetts Bay. The fourth section of the thirty-third chapter of the Acts and Resolves of the General Court, passed November 25, 1692, provided that the Court of Common Pleas should be held "for the

* Town of Newbury Records.

† Essex Deeds, book cxiv., p. 232.

county of Essex, at Salem, on the last Tuesdaies in June and December: at Ipswich, on the last Tuesday in March, and at Newbury on the last Tuesday in September." *

The first session of the court in Newbury was held in the meeting-house of the First parish September 26, 1693. The presiding judges were Hon. Bartholomew Gedney, of Salem, Hon. John Hawthorne, of Salem, Hon. Samuel Appleton, of Ipswich, and Hon. Jonathan Corwine, of Salem.

A large number of criminal and civil cases were disposed of at this term of the court. The most important, from a local point of view, was an action of trespass brought by James and Richard Carr against Capt. Edward Sargent for carrying men and horses over the Merrimack river. The defendant stated in his answer that Capt. John March was the proper owner of the ferry, and that he was then in the king's service on the eastern frontier. The case was continued to the next inferior court in the county.†

All laws enacted in the province of Massachusetts Bay, under the charter of 1692, were submitted, in compliance with the provisions of that charter, to the King and Queen of England, or to their successors in office, for approval. Some exceptions were taken to the act passed November 25, 1692; and it was disallowed by the Privy Council August 22, 1695.

On the third day of October, 1696, the General Court revived and continued in force until the month of May following the act establishing courts of justice in the province.‡ June 19, 1697, another act was passed, providing for the trial "of all matters and issues in fact arising or happening in any county or place within the province, by a jury of twelve men."§ Both these acts were disallowed November 24, 1698.

On the twenty-sixth day of June, 1699, two acts, one appointing the times and places "for holding of courts of general sessions of the peace," and the other establishing "inferiour courts of common pleas in the several counties of the province," were passed by the General Court and ap-

* Acts and Resolves of the Province of Massachusetts Bay, vol. I., p. 73.

† Records of the Court of Common Pleas (Salem), vol. I., p. 286.

‡ Province Laws, vol. I., p. 248. § *Ibid.*, 286.

proved by the governor. Under these acts courts were held "for the county of Essex, at Salem, on the last Tuesdays in June and December; at Newbury on the last Tuesday in September; and at Ipswich on the last Tuesday in March."*

No objections were raised by the Privy Council to the acts passed in 1699, re-establishing the courts of justice in the province; and no alteration in the time or place of meeting was made until January 28, 1764, when the town of Newburyport was incorporated, and "an act for erecting a part of the town of Newbury into a new town by the name of Newburyport" was passed, defining its powers and privileges and expressly providing

... That the inferior court of common pleas, and the court of general sessions of the peace, by law appointed to be held at Newbury on the last Tuesday of September annually, shall for the future be held in Newburyport on the last Tuesday of September annually and to all intents and purposes shall be considered as when held in the town of Newbury as aforesaid, any law to the contrary notwithstanding.†

WATCH-HOUSE AND JAIL.

For the detention of criminals or persons accused of disorderly conduct a watch-house was built at a very early date in Newbury. It was evidently located near the meeting-house. The selectmen were ordered April 8, 1673, to keep it in good repair.‡

January 4, 1705-6, Capt. Henry Somerby, Capt. Stephen Greenleaf, Capt. Edward Sargent, and others were granted a lot of land "between y^e watch house & y^e meeting house pond joyning to Dr. Toppan's fence to sett up a stable w^{ch} they are to enjoy during the Towns pleasure."‡

January 29, 1706-7, the town voted "that there be a gaole or prison built in Newbury . . . provided the county be at one half of the cost and charge."‡

The jail was erected near the meeting-house, and was probably in use for thirty-five or forty years. The *News Letter*,

* Acts and Resolves, vol. I., pp. 367-370.

† Ibid., vol. iv., p. 677.

‡ Town of Newbury Records.

published in Boston, under the date of August 31, 1725, says:—

About midnight a company of rioters assembled on horseback and with crow bars broke the doors, bolts and locks of the gaol in Newbury and took off on spare horses Isaac Brown and Hugh Ditson charged with capital offences. Governor William Dummer offered a reward of fifty pounds for their apprehension.*

At the Court of General Sessions held at Salem July 9, 1734, Benjamin Marston, sheriff of Essex county, asked "for the better security of the prisoners" that a house for the jail-keeper might be erected near the jail in Newbury. The court ordered Nathaniel Coffin, Richard Kent, and Joseph Gerrish to ascertain what proportion of the cost of the proposed building the inhabitants of Newbury would pay.†

September 23, 1734, a committee was appointed by the town to select a suitable lot of land on which to build "a prison or house of correction"; and September 21, 1736, the judges of the Essex county courts were asked to give their consent "to the removal of the gaol now standing in Newbury" to a more convenient location, "in order that it may be made serviceable as a prison or house of correction."‡ This plan, however, did not meet with favor, and was subsequently abandoned.

At the General Sessions of the court held at Salem the last Tuesday in December, 1743, the subject was again considered; and the court ordered the erection of a county jail and prison house "at or near the place where the old prison stands in Newbury." Col. Berry, Major Greenleaf, Joseph Gerrish, Henry Rolfe, and Thomas Rowell were appointed a committee to erect a strong and substantial building at a cost to the county of not more than one hundred and twenty-five pounds.§

February 7, 1743-4, the inhabitants of Newbury voted to grant "ye county of Essex so much of a piece of land as is needful for to build a prison upon and a house for the keeper

* Coffin's History of Newbury, p. 106.

† Court of General Sessions (Salem), 1736-44, p. 136.

‡ Town of Newbury Records.

§ Court of General Sessions (Salem), 1709-46.

of said prison & for a yarde, to be taken out of that piece of land which was purchased by y^e Towne of Newbury of M^r Anthony Sommerby as by a deed dated February y^e 4th, 1743 may appear. Said land is lying on y^e northerly side of & joyning to King street." *

The jail or prison was erected during the summer of 1744. On the twenty-third day of May, 1758, the selectmen of Newbury were authorized and instructed to sell all the town's right, title, and interest in the property on King street; and July 21, 1758, they conveyed to the county of Essex "the house adjoining the Prison which has been improved as a work house, also the land purchased of Anthony Somerby with all the buildings thereon." †

THE CURFEW.

October 18, 1700, the town appointed Col. Daniel Pierce and Tristram Coffin, Esq., a committee to procure a new bell, "of about four hundred pounds weight," for the First parish meeting-house.

January 4, 1705-6, "voted that the new bell be hanged in the turret of the meeting house with all convenient spede," also "that the bell be rung at nine of the clock every night and that the day of the month be every night tolled." ‡

May 14, 1707, the selectmen were authorized "to employ some suitable person to ring the nine o'clock bell this year." ‡

June 18, 1708, the town "voted that the nine a clock bell should be rung at nine of the clock precisely, nightly for the year ensuing." ‡

For the year 1711 the town employed Benjamin Morse "to ring the bell at nine o'clock every night, and sabbath days and lecture days." ‡

November 30, 1723, the selectmen paid Henry Lunt, 3d, for ringing the nine o'clock bell, five pounds.

In 1725, a meeting-house was erected, on what is now known as Market square, Newburyport, for the Third parish

* Town of Newbury Records. King street is now Federal street, Newburyport.

† Essex Deeds, book cv., p. 137; "Ould Newbury," p. 680.

‡ Town of Newbury Records.

in Newbury. At a parish meeting held May 23, 1727, a committee was appointed "to purchase a bell weighing about four hundred pounds"; and February 21, 1727-8, the assessors of the parish were authorized to agree with Ambrose Berry to ring the bell till the March meeting. March 19, 1727-8, it was "voted that the bell of the Third Parish be Rung at nine of the clock." *

Ambrose Berry, constable, in settlement with the selectmen of the town for the year 1730, is credited with five pounds "for ringing ye nine o'clock bell."

In 1731, the selectmen paid "£5 to Henry Lunt ye 3rd for ye nine o'clock bell."

The custom of ringing the nine o'clock bell is still continued in that part of Newbury which was set off in 1764, and incorporated as a new town by the name of Newburyport.

EARTHQUAKES.

During the seventeenth and eighteenth centuries, earthquakes occurred with considerable frequency in the town of Newbury. Three years after the first settlers landed at Parker river a violent trembling and shaking of the earth surprised and alarmed them. June 1, 1638, the following statement was entered upon the town records:—

Being this day assembled to treat or consult about the well ordering of the affairs of the towne about one of the clocke in the afternoone, the sunn shining faire, it pleased God suddenly to raise a vehement earthquake coming with a shrill clap of thunder issuing as is supposed out of the east, which shook the earth and the foundations of the house in a very violent manner to our great amazement and wonder, wherefore taking notice of so great and strange a hand of God's providence, we were desirous of leaving it on record to the view of after ages to the intent that all might take notice of Almighty God and feare his name.

Other earthquakes occurred March 5, 1642-3, January 26 and February 5, 1662-3, and February 8, 1684-5.

Rev. Mathias Plant noted, with considerable care and minuteness, in the early records of Queen Anne's Chapel,

* "Ould Newbury," p. 432.

many remarkable facts in relation to the numerous convulsions of nature, accompanied by a loud rumbling noise of apparently subterraneous origin, that occurred in the months of October, November, and December, 1727, and for the next fifty years the records contain frequent references to similar occurrences; but, so far as known, the damage resulting from the most severe of these earthquakes was comparatively slight and unimportant.*

THE OBSERVANCE OF SUNDAY AND HOLY DAYS.

November 4, 1646, the General Court ordered that any person living within the limits of the colony of Massachusetts Bay, who shall without just cause, neglect to attend public worship "shall forfeite for his absence from ev'ry such publicke meeting 5^{sh}." †

Joseph Peasley, who was one of the early settlers of Newbury, removed to Salisbury in 1646 or soon after. October 19, 1658, he, with several other persons residing in that town, was ordered to appear at the General Court to answer to the charge of wilfully neglecting public worship on the Lord's day. ‡ He disregarded the orders of the court, and continued to teach and exhort among his friends and neighbors in the new town of Salisbury, now Amesbury, Mass. He was censured and fined, and subsequently forbidden to preach within the limits of the colony. §

May 11, 1659, the General Court "ordered that whosoever shall be found observing any such day as Christmas or the like, either by forbearing of labour, feasting, or any other way, upon any such accounts as aforesaid, every such person so offending shall pay for every such offence five shillings as a fine to the country." || This law was not repealed until May 27, 1681. ¶

May 24, 1677, the constables of every town were ordered

* Coffin's History of Newbury, pp. 197-199; Mrs. E. Vale Smith's History of Newburyport, pp. 31-35, 404.

† Massachusetts Colony Records, vol. II., p. 178.

‡ Ibid., vol. IV., part I., p. 351.

§ Ibid., p. 390.

|| Ibid., p. 366.

¶ Ibid., vol. V., p. 322.

to make diligent search on every Lord's day in all suspected places where Quakers were supposed to meet for worship, and cause them to be apprehended and punished according to law.*

October 15, 1679, the selectmen or constables of Boston were authorized to set a guard at sunset on Saturday night, "to prevent any footman or horseman without such good account of the necessity of his business as may be to them satisfactory" from leaving the town.

... all persons attempting to ride or drive out of towne after sun sett without such reasonable satisfaction given shall be apprehended & brought before authority to be proceeded against as Sabbath breakers; and all other townes are impowered to doe the like as need shalbe.†

This law was modified after the colonial charter was annulled and the province of Massachusetts Bay established; but travelling on the Lord's day was forbidden, and no person could pursue his journey that day beyond the nearest inn or place of shelter under a penalty of twenty shillings.‡

Samuel Sewall, one of the judges of the Superior Court, having returned from a session of the court held at Portsmouth, was in Newbury Sunday, May 13, 1716. In his diary he wrote under that date:—

In the evening I had an inkling that two merchants came from Ipswich. I said, How shall I do to avoid Fining them? I examined Richard Gerrish. As I understood him they lodg'd at Major Epes's on Saturday night, and went to the publick worship there: and when the afternoon Exercise was over, came to Newbury. They Travailed not in service Time: and had a ship at Portsmouth ready to sail which wanted their Dispatch. Alleg'd that Mr Peter La Blond was gone sick to Bed. I took his word to speak with me in the morning. I consulted with Col. Thomas who inclined to admonish them as young and strangers and let them go.

The following day he wrote:—

By long and by late I spake with Mr Richard Gerrish, Junr and Mr. Peter La Blond by whom I understood they were at Mr Wigglesworths in the morning and at Ipswich Meeting in the Afternoon. Being in a strait, I had pray'd to God to direct. I considered Col.

* Massachusetts Colony Records, vol. v., p. 134. † Ibid., p. 239.

‡ Province Laws, vol. i., p. 58.

Thomas was not a Justice there: that this Profanation of the Sabbath was very great; and the Transgressors fleeing from Town to Town and County to County could rarely be Censured. . On the other hand they were young, Mr. La Blond's mother my neighbour, Mr. Gerrish had a smell of Relation; both of them of another Province; and I fear'd lest my Cousin's Custom might be lessn'd by it, because I had the Information from her Husband, whose wife, my Cousin, was a Gerrish, and cousin to this Rich^d Gerrish, only Child of Capt Rich^d Gerrish of the Bank. Mr. La Blond appear'd brisk as if he ail'd nothing. I came to this Resolution that if they would make such a submission as this I would let them pass: viz; We do acknowledge our Transgressions of the Law in Travailing upon the Lord's Day, May 13, 1716 and do promise not to offend in the like kind hereafter, as witness our Hands.

RICHARD GERRISH.

PETER LA BLOND.

This offer they rejected with some Disdain and Mr. La Blond paid me a 30^s and 10^s Bill of Credit for both their Fines. I immediately paid it to Samuel Moodey Selectman of Newbury (they have no Town Treasurer). . . .

All fines and penalties imposed and collected under this law of the province were to be used for the benefit and relief of the poor of the town where the offence was committed, "and delivered into the hands of the selectmen or overseers of the poor for that end."

At the Superior Court at Ipswich, May 19, Judge Sewall wrote: —

Here Mr. Hern informs me that Gerrish and La Blond went from Platt's at Salem on the Lord's Day morn; He spake to them against it; They said they could but pay 5^s. Ferryman told me Two were carried over about the time of going to meeting. Crompton informs me that they were at his house, and went not to meeting at Ipswich: went away late in the Afternoon: So that they Travail'd 22 Miles or more that day. I hope God heard my Prayer, and directed me to do Right and accepted me.*

SLAVES AND SLAVEHOLDERS.

Negroes and Indians were held in servitude and recognized as property in the colony and in the province of Massachusetts Bay until the close of the Revolutionary war and the adoption of the State constitution in 1780.

* Diary of Samuel Sewall, vol. iii., pp. 81-83.

In Newbury, the number of slaves was never very large; but as early as December 29, 1649, William Hilton conveyed and assigned "James my Indian & all y^e interest I have in him" to George Carr in payment for one-quarter part of a vessel. Abraham Tappan, John Bond, and Edmund Greenleaf were witnesses to the bill of sale to which "James y^e Indian" gave his consent by affixing his mark.*

Capt. Paul White, who died July 22, 1679, owned "one negrow," valued by the appraisers of his estate at thirty pounds.

Subsequently many other inhabitants of the town, engaged in agricultural, industrial, or mercantile pursuits, found it convenient to employ slave labor, and frequently imported negro servants from the Barbadoes or other islands in the West Indies.

The inventory of the estate of Henry Rolfe, taken in the month of April, 1711, has the following item: "An old negroe man valued at £10." In the settlement of the estate of Moses Gerrish "an Indian Slave" is valued at twenty pounds. Similar items are frequently found in old books of account as well as in wills and deeds of conveyance, recorded previous to the year 1780.†

Cutting Noyes sold to Richard Kelly, of Newbury, January 15, 1713, "a Spanish ingon boy named Sesor by our judgmente under 10 yers old" for the sum of thirty-eight pounds.‡

Joshua Bayley, Sr., of Newbury, in his will dated June fifteenth and proved August 6, 1722, gave to his negro servant, Robert, several lots of land and also his freedom:

Said Robert shall not be sould or be disposed of to any person, but said Robert shall faithfully serve my said wife Elizabeth during the term of her natural life, and after Her Decease said Robert shall have his freedom, and Injoy said Real Estate during the term of his natural life. . . . And as concerning my Black Servant Robert, I do give him a surname and that is freeman, so that his name is Robert freeman.§

* Norfolk County Records (Salem), book II., leaf 197.

† Coffin's History of Newbury, pp. 336-339.

‡ Coffin Papers (Essex Institute, Salem) vol. I., pp. 62-76.

§ Probate Records (Salem), book ccxlii., p. 467; Essex Antiquarian, vol. v., p. 123.

November 4, 1725, Jonathan Poore sold "to Mr Richard Kelly a nagrow man called Reuben" for one hundred pounds in "Billes of Credet." *

Rev. Matthias Plant, minister at Queen Anne's Chapel, in his will dated February 25, 1751, and proved May 7, 1753, makes the following bequest:—

I give unto my negro garl Luce all but seventeen acres of a lott of Land laid out to the original right of James George, called the great Farms in Almsbury [now in New Town, N.H.]. I also give her her Freedom after the Decease of my widow Lydia Plant. But my will is that my negro garl Luce shal not come into possession of said Land untill the decease of my said widow, But my said widow shal have the Improvement and profit of it During the term of her natural life in as full and ample a manner as if I had made no Bequest of said land to s^d negro garl Luce. Moreover if said wid^w Lydia Plant shall Declare before three or four Indifrent persons of good ability and understanding, or give a sartificat in writing from under her own Hand (or if she does not give it from under her hand but sais nothing against her) That the said negro garl Luce hath in all Fidelity, from time to time, both in Word and Deed behaved herself very respectfully and Dutifully as an Honist and faithful servant, she ye s^d Luce shal be Intitled to the above Priviledge & Bequest. But on the contrary if her behavior be disonist, stubourn to what she ought to be to me or her s^d mistres, then this my Bequest of freedom and Land given to her & her assigns shal be void and of none effect, and the said Luce in this case shal be my s^d wid^w and she shal Dispose of her at her own Discretion Tho I would not have my s^d wid^w make a slave of her if she should be guilty of some common fallings, but such faults shal be lookt over. But in case my negro garl Luce should forfeit her rite to her freedom and Land which I have Bequested her, Then in that case I give and Bequeath the same to and for the use of the minister of Queen Ann's Chapel, in Newbury, for the time being: and I give it By the name of Gleebe Lands.

Lydia Plant, widow of Rev. Matthias Plant, in her will dated September 29, 1753, and proved October 22, 1753, gave her negroes, "Robin and Lucy," their freedom, and liberty also to live for four years in the house that she owned and occupied at the time of her decease, with the use of household utensils, beds, sheets, blankets, etc.

Samuel Morgaridge, shipwright, in his will dated October 30, 1753, proved April 8, 1754, gave his wife the use of the

* Coffin Papers (Essex Institute, Salem), vol. I., pp. 61, 76.

dwelling-house where he then lived, and the service of negro Peter "if he behaves well." The executors of his will were authorized to let, sell, or use his negroes Primus and Lucy; "also to sell my negro Peter if he proves unruly and disobedient to my wife." In the inventory of his estate "three negroes" were valued at £133, 6s. 8d.

At the close of the year 1754 there were thirty-four male and sixteen female slaves in Newbury sixteen years of age and upwards, according to the census taken by order of the governor of the province of Massachusetts Bay.*

January 29, 1765, Mary Morgaridge, widow, sold to Enoch Sawyer, of Newbury, physician, her life interest in the dwelling-house bequeathed to her by the will of her late husband, Samuel Morgaridge, and also "a molat man called Peter, and a negro woman called Luce."†

The following items are credited in her account as executrix filed March 12, 1765:‡—

Received for negro Primus	£31.12. 0
For the use of Primus for eight years	37. 6. 8
For the use of Negro Lucy	5. 0. 0
Negro Peter valued at	44. 8.10
Negro for use of children	44. 8.10

Sarah, widow of John Weed, gave a bond for fifty pounds to the selectmen of Newbury, September 22, 1768, as security for the support of her negro "Joel," in case he was unable to support himself after he was given his freedom.§

Marriages were not uncommon among the slaves of Newbury, and were usually recorded in manner and form substantially as follows:—

October 13, 1749 married Scipio negroe servant of Mr Samuel Moody, Junr of Newbury, and Rose negroe servant of Mr Benja Harris of Newbury.¶

October 24, 1754 married John & Elizabeth servants of Mr Henry Rolfe.¶

June 20, 1779 m^d Cambridge servant to Col Little & Cate, servant of Mrs Hannah Sawyer widow both of Newbr.¶

* Massachusetts Historical Society Collections, Second Series, vol. iii., p. 95.

† Essex Deeds, book cxv., leaf 169.

‡ Probate Records (Salem), book ccxlii., p. 6a.

§ Essex Institute Historical Collections, vol. xxv., p. 157; also, "Ould Newbury," p. 137.

¶ First Parish (Church) Records.

Two articles in the warrant for a town meeting to be held August 8, 1775, read as follows:—

Article 3. To see if the town will signify by their vote their Disapprobation of Slavery, or of keeping slaves, and, if voted, then

Article 4. To see if the Town by their vote will instruct their Representative to use his utmost Endeavors in the General Court that all Slaves in this Colony may be set at Liberty.*

No definite action was taken by the legal voters of Newbury at that date. When the articles were reached in the order of business, they were, in the words of the record, "dismissed."

Rev. Moses Parsons, who was settled as minister in Byfield parish, June 20, 1744, was the owner of three slaves,—two men and one woman. He was a faithful and devoted pastor; but during the last years of his life he was involved in a controversy with one of the deacons of his church, Benjamin Colman, who bitterly opposed the holding of men and women in bondage, and publicly asserted that "Mr Parsons was guilty of the wicked practice of man stealing."

Several communications were published in the newspapers of the day by Deacon Colman, condemning in vigorous language the buying and selling of slaves; and December 21, 1780, the parish voted to suspend him "from the fellowship and communion of the church till he does by repentance and confession give christian satisfaction for the offence he has committed."

October 26, 1785, two years after the death of Rev. Mr. Parsons, Deacon Colman acknowledged that in his controversy with the late worthy minister of the parish he had urged "his arguments against the slavery of the Africans with excessive vehemence and asperity"; and he was thereupon restored to membership in the church, and reappointed to the office of deacon.†

* Town of Newbury Records.

† Coffin's History of Newbury, pp. 340-350, inclusive; also, Memoir of Chief Justice Parsons by his son, Theophilus Parsons, pp. 17-19.

GRIST-MILLS, WIND-MILLS, AND SAW-MILLS.

At the close of the year 1685 there were three grist-mills and one oatmeal or malt mill in the town of Newbury, but they were evidently overcrowded with work; and March 16, 1685-6, "The Towne being sensible of y^e great want of another corn mill they did by a vote desire Cap^t Daniell Peirce, Cap^t Thomas Noyes, Ensign Nath^l Clark, Mr. Richard Dole and Samuell Plumer, at y^r owne charg to view such place or places as may be most convenient for y^e setting up of a Mill; as also to treat wth such persons that may be dam-nified thereby, and to bring report to y^e Towne." *

January 5, 1686-7, a committee was appointed "to treat with Peter Cheney about setting up a corne mill and a fulling mill upon the Falls river." *

Peter Cheney, who purchased of John Bishop the mill near Four Rock bridge on Little river in 1663, proposed, February 15, 1686-7, "to build and maintaine a good and sufficient grist or corn mill within two years, and a fulling mill within three yeares at ye upper falls [Quascacunquen river] and to full ye townes cloth on the same terms that Mr. John Pearson † doth full cloth, and resign up his interest in Little river on condition that the town give him fifty acres of land joyning to Falls river." ‡

This proposal was accepted by the town. December 25, 1689, "Peter Cheney was allowed one year longer in which to finish his fulling mill." After his decease a portion of the land, with the buildings thereon, was sold to Benjamin Pearson, who was engaged in the manufacture of woollen goods in that locality until his death in 1731. For nearly a century after that date the business was continued by the children and grandchildren of Mr. Pearson, and the property still remains in the possession of his lineal descendants.§

In 1688, the building of another grist-mill on Little river

* Town of Newbury Records.

† Mr. John Pearson had a fulling mill, and carried on the clothier's trade at or near the present location of the Glen Mills, Rowley.

‡ Town of Newbury Records; also, Proprietors' Records, vol. i., p. 18.

§ "Old Newbury," pp. 301-303.

was authorized by the town; but for various reasons the work was delayed, and the mill was not completed until six or eight years later.

May 25, 1688 The Towne Grants theyre interest in the stream of the Little River to the mouth of it whear it vents into the great River to Henry Short for to build a Grist Mill uppon for the Townes use provided he build it in such place as may Answer the Townes end & grind theyr corne for them from time to time, provided he build it within one yeare, and if he do not build it he is to pay to the Towne five pounds & the Towne to have theyre interest in the streame again. The Mill to be set at the cart place or at the mouth of the River.*

December 26, 1689 The Towne having now relinquished any former obligation of Henry Short to the Towne uppon ye account of Building a Mill not by him performed Do hereby give, grant and empower all theyr right, title & interest in the stream of the Little River to Henry Short his heys and Assigns so long as he his heys & assigns shall build and maintain a sufficient corne mill for the Townes use and to grind for the Towne of Newbury before any other Towne. But provided through defect of the Dam or Mill the said Mill should faile of grinding for the Townes use the above said stream shall not be forfeited provided it faile not a yeare or two.*

March 10, 1695-6, Granted to Henry Short thirty five acres of land towards the building of his mill to be laid out in the comon land of Newbury.*

August 11, 1708, John Short sold to Lieut. Jeremiah Pearson, of Rowley, nine acres of land on the easterly side of Little river, "together with ye dwelling house and ye grist mill standing on said River" and the water privilege, "as it was granted to my honored fater Henry Short late of Newbury deceased at a meeting of the inhabitants of the town held Dec. 26, 1689." †

Mr. Silas Pearson, a descendant of Lieut. Jeremiah Pearson, owned the mill and two other grist-mills, with an unfinished saw-mill, when they were all destroyed by fire June 12, 1813.‡

Subsequently, a new mill was built by Mr. Silas Pearson about one hundred rods farther to the westward on the same stream. January 15, 1831, he petitioned the General Court

* Town of Newbury Records.

† Essex Deeds, vol. xxxii., p. 204.

‡ Newburyport Herald, June 15, 1813.

to legalize the removal of his mill and dam, "doubts having arisen whether he had a right to remove his said Dam and Mill without the consent of the Legislature." *

"An act to confirm Silas Pearson in the location of his Dam across Little River in the town of Newbury . . . for the purpose of retaining water to carry a tide mill, agreeably to a grant from the said town (in the year 1689) in as full and ample a manner as if the said dam had been erected by the authority of this court," was passed March fourteenth, and approved by the governor March 15, 1831.

In 1843, the property was sold to Mr. James B. Knight, who operated a grist-mill there until the close of the year 1874.

WINDMILL AT FROG POND.

"July 9, 1703 Ensign Stephen Jaques, M^r Benjamin Woodbridge, & Henry Jaques petitioned the Towne to grant them a suticable piece of land to sett a windmill on that Hill neere penuel Titcombs." This petition was granted, "Provided when the windmill fails or is unservisable the land shall returne to the Towne wthin three years after the failure of s^d mill if a windmill be not rebuilt againe wthin s^d time." †

This mill was built near the southeasterly end of Frog pond, and was probably used for the grinding of corn and wheat until 1774, when the slight eminence on which it stood was graded to a level with the land in that vicinity, and made available as a training field.‡

March 29, 1771, Abraham Larkin was crushed to death while examining the machinery in the top of this windmill.§

SAW-MILL AT INDIAN RIVER.

For ten or fifteen years after the division of the upper commons Indian river was navigable for small boats. In 1706, perhaps earlier, a temporary dam was built at the mouth of the river, and a saw-mill erected there.

* See advertisement of petition in *Newburyport Herald*, January 18, 1831.

† Town of Newbury Records.

‡ "Ould Newbury," pp. 610-612.

§ Coffin's History of Newbury, p. 239.

November 26, 1686, the proprietors of the common lands in Newbury voted "that Indian River shall be free so far as the tide flows for passing & repassing of Boates and Canoos at all times: it is to be accounted a highway free for all men to transport by water." *

October 30, 1706, the proprietors authorized the selectmen to lay out a highway on the westerly side of Joseph Knight's lot, and at the same meeting voted to employ "Serjeant Joseph Pike to build a bridge over Indian river near his saw mill." †

"The highway near Indian river running four rods wide to Joseph Pike's mill and thence over the river below said mill" was laid out by the selectmen November 1, 1706.‡

Joseph Pike, having given an obligation to build the bridge near his saw-mill, "he was released from the conditions of his obligation provided he agrees to repair all damage at his own cost that may happen to said bridge by reason of his impounding the water above it." §

At a meeting of the proprietors of Newbury, held June 18, 1707, he was granted "the liberty of hanging two gates one at the upper end of the way" near the Bradford road, and the "other is to be hung near the mouth of Indian River across the s^d Riv^r, y^e last s^d Gate to be so conveniently hung y^t it may open wth the flood & shut wth the ebb." ¶

SAW-MILL AT CART CREEK.

March 9, 1707-8, Edmund Goodridge and John Noyes, jr., petitioned the proprietors for liberty to set up a saw-mill on Cart creek. The committee appointed to view the place made a favorable report, and the petition was granted June 22, 1708.¶

MILLS AT PINE ISLAND.

January 13, 1756-7, the town granted Nathaniel Lunt, Benjamin Rolfe, Jonathan Plumer, and Stephen Ilsley liberty to erect a grist-mill and saw-mill at Pine Island creek on certain

* Proprietors' Records, vol. I., p. 15.

† Coffin's History of Newbury, p. 173.

‡ Proprietors' Records, vol. I., p. 29.

§ Town of Newbury Records.

¶ "Ould Newbury," p. 341.

¶ Ibid., p. 32.

conditions, the grantees giving bonds to save the town harmless from damage arising from the overflowing of the banks or meadows on said creek.*

September 10, 1760, Nathaniel Lunt sold to Benjamin Rolfe and Stephen Ilsley "all his right title and interest in the mills lately erected at the Landing Place at Pine Island Creek." †

The half-tone print on the opposite page gives a view of the landing-place as it now appears. A mill-stone, formerly used for the grinding of corn, is the only memorial left of the mills that were destroyed by fire December 5, 1797.

DISTILLERIES AND MALT-HOUSES.

Cattle-raising, farming, and fishing were the most prominent industries in Newbury fifty years after its first settlement; but, in addition to the saw and grist mills, of which mention has already been made, several distilleries and malt-houses were in operation.

August 25, 1653, Edmund Greenleaf sold a dwelling-house and one acre of land, with a still-house and the fixtures connected therewith, to Capt. Paul White.‡

In 1662, the Court of General Sessions at Salem licensed Capt. Paul White "to still strong waters for a yeare and sell by the quart"; and March 5, 1677, he petitioned the town of Newbury "for about a rod of land at the hanging of the hill before his still-house on the street." †

Col. Daniel Pierce had two or more malt-houses on land at the southeasterly corner of Chandler's lane, now Federal street, and the way by Merrimack river, now Water street, Newburyport, previous to the year 1700,§ and on the northwesterly corner of the same streets or highways Caleb Moody built a malt-house as early as 1673.|| In 1692, James Ordway, sr., owned a dwelling-house and malt-house on the northwesterly corner of Ordway's lane (now Market street) and the way near the river, now Merrimack street, Newburyport.¶

At a later date other malt-houses and distilleries were estab-

* Town of Newbury Records.

† Essex Deeds, book cxi., p. 23.

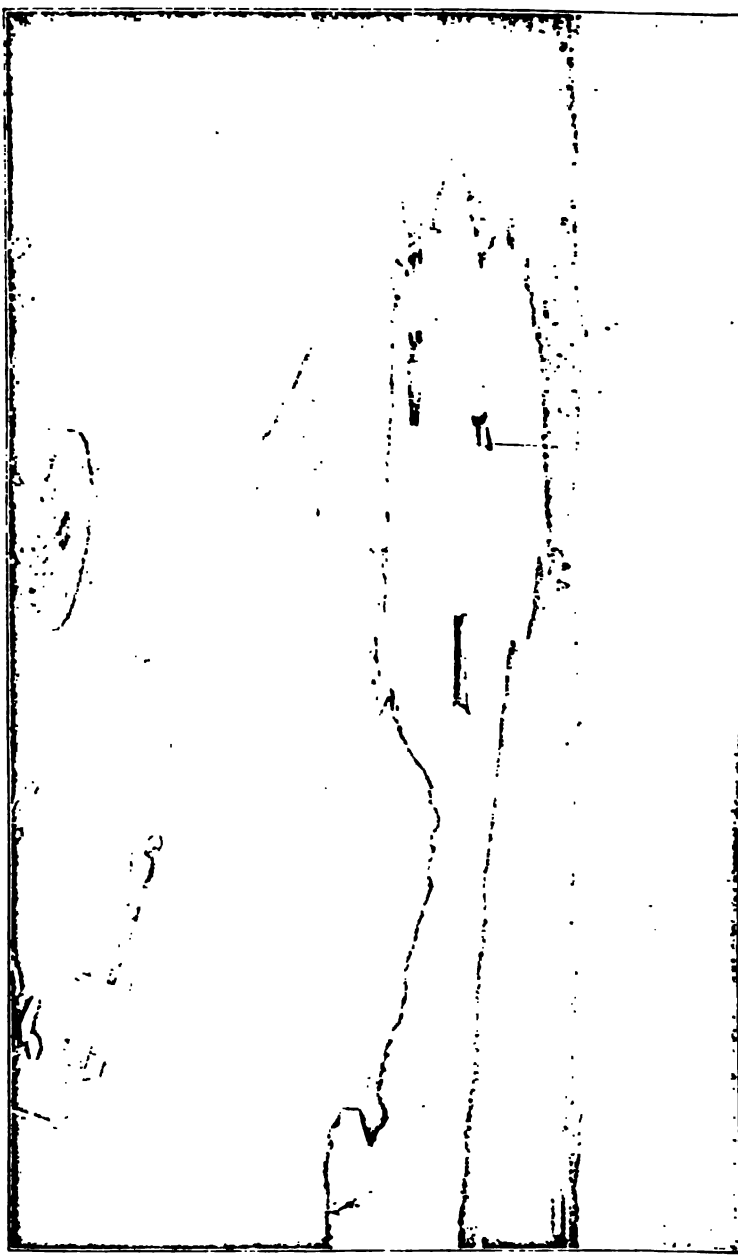
‡ "Ould Newbury," p. 177.

§ Ibid., p. 123.

|| Ibid., p. 149.

¶ Ibid., p. 307.

LANDING PLACE AT PINE ISLAND.



lished. May 18, 1738, the selectmen of Newbury, with Henry Rolfe and Charles Pierce, justices of the peace, granted Joseph Lunt, jr., "liberty to erect a still house on the corner of Thomas Moodeys lane by the end of his Malt house for the distilling of strong liquors." * This grant was recorded August 24, 1738.

LIME-KILNS AND ROPEWALKS.

At the beginning of the eighteenth century the tanning of leather was well established, ship-building was carried on quite extensively, and a large and profitable trade had been developed between Newbury and the West India islands.

This Summer [1697] Ensign James Noyes hath happily discovered a Boddy of Marble at Newbury, within half a mile of the navigable part of Little River; by which means very good Lime is made within the Province.†

Several kilns were built for the burning of lime within the limits of the town, and for many years the business was prosperous and profitable.‡

Cordage was probably manufactured in Newbury previous to 1748. John Crocker, in a petition presented March 8, 1747-8, to the inhabitants of the town, makes the following statement:—

Whereas his present occupation of Rope making has been found for time past very beneficial not only for the sea faring business of this Towne but also as thereby many poor people are employed he therefore asks permission to set up a rope walk between Abiel Somerby's land and the windmill for such a term of years as they [the freeholders of the town] shall think proper.§

The petition was granted; and the selectmen were authorized to lay out the land for the purpose designated, the petitioner to have the use of it for ten years.||

* Town of Newbury Records.

† *Phænomena quædam Apocalyptica, etc., or, The New Heaven and the New Earth*, by Samuel Sewall, first edition (1697), p. 60, in Boston Public Library.

‡ "Ould Newbury," pp. 421-423.

§ Town of Newbury Records, p. 74.

|| "Ould Newbury," pp. 610, 611. In 1803, there were five cordage manufactories in Newbury, employing from forty to fifty men and boys, and producing annually from two to three hundred tons of cordage, valued at about \$70,000 (*History of Newburyport*, by Caleb Cushing, p. 83).

From 1724 to 1737, Capt. Crocker was master of a vessel that made many voyages between Boston and London. He was a member of Christ Church, Boston, and married, April 12, 1727, Mary, daughter of Thomas and Mehitable Savage, of that town.* He removed to Newbury in 1737, probably. "Elizabeth, daughter of Capt John Crocker & Mary his wife," was baptized by Rev. Matthias Plant August 8, 1737. Capt. Crocker was one of the wardens of Queen Anne's Chapel in 1739 and a vestryman in 1740. He was afterwards a prominent member of St. Paul's Church, and was annually elected to the office of warden or vestryman of that church from 1743 to 1753. He died March 19, 1763, and was buried in St. Paul's churchyard, then in Newbury, now within the limits of the city of Newburyport.

The Massachusetts Gazette, published in Boston, April 7, 1763, contains the following obituary notice:—

Newbury March 19, 1763 This Day died here in the 71st year of his Age Capt John Crocker a gentleman that was well known in the town of Boston where he formerly lived and was many years in the London Trade. He was universally beloved and esteemed for his re-markable Honesty and good Nature, and other amiable Qualities. The memory of the Just is blessed.

HAY SCALES.

Ponderous scales for weighing hay, grain, and other heavy merchandise were erected at a very early date near the centre of the town, on Fish street, now State street, Newburyport.

May 23, 1753 the town granted liberty to Samuel Titcomb and John Harris to build a substantial engine to weigh hay, to stand where the old engine stood near the head of Fish street.†

A petition, signed by James Knight and others, "inhabitants of Newbury," for liberty to erect hay-scales on the highway, nearly opposite the town-house, at the head of Muzzey's lane, now Marlborough street, was granted March 13, 1758-9.‡

* Rev. Anson Titus, of Tufts College, who has given much attention to genealogical research, says that Thomas Savage was a goldsmith by trade; that he was for many years in Barbadoes, but subsequently came to Newbury, where he died August 23, 1740. His grave and the grave of his wife "Mehitable," who died June 6, 1737, are in the Old Hill Burying ground, Newburyport.

† Town of Newbury Records (1731-85), p. 94. § Ibid., p. 117.

MANUFACTURE OF COMBS.

The manufacture of combs was established in Newbury in 1759 by Mr. Enoch Noyes. The business is still carried on successfully in West Newbury and in Newburyport.*

THE INCORPORATION OF NEWBURYPORT.

June 10, 1763, a petition, signed by William Atkins, Daniel Farnham, Michael Dalton, Thomas Woodbridge, Patrick Tracy, and many other inhabitants of Newbury, living at or near the water side between Cottle's lane, now Bromfield street, Newburyport, and the dividing line of the Fifth parish, now Oakland street, Newburyport, was presented to the General Court, asking that a portion of the town of Newbury might be set off and incorporated as a separate town.

Many reasons why this request should be granted were stated in the petition. Considerable emphasis was laid upon the fact that the farming population persistently opposed any and all measures advocated by "the merchants, traders and mechanics" living at the water side; that the petitioners were obliged to provide fire engines at their own cost, for the protection of their property; that there were no fixed and stated schools, but only movable ones, and no public school-houses within the limits of the proposed new town; that there was no town treasurer, the selectmen serving in that capacity in violation of the law of the province; that the taxes were illegally assessed; and also that the new town-house on Fish street, now State street, lately built by some of the petitioners, with the aid and consent of the courts of Essex county, had not been used by the town on account of complaints and objections to its location.

The General Court ordered "that the town clerk of Newbury be served with a copy of the petition, and the inhabitants be notified to appear on the second Tuesday of the next sitting of the Court to show cause why the prayers of the petitioners should not be granted."†

* Coffin's History of Newbury, p. 225.

† Acts and Resolves of the Province of Massachusetts Bay, vol. iv., p. 698.

On the twenty-eighth day of January, 1764, the General Court passed "an act for erecting part of the town of Newbury into a new town by the name of Newburyport," which was approved by Francis Bernard, governor of the province, February 4, 1764. The first section of this act gives the bounds and limits of the new town as follows:—

Where As the Town of Newbury is very large, and the Inhabitants of that Part of it who dwell by the Water-side there, as it is commonly called, are mostly Merchants, Traders, and Artificers, and the Inhabitants of the other Parts of the Town are chiefly Husbandmen, by means where of many Difficulties and Disputes have arisen in managing their publick Affairs:

Be it enacted by the Governor, Council and House of Representatives, That that Part of the Town of Newbury, and the Inhabitants thereof included within the following Line: namely, begining at Merrimack River, against the North-easterly End of the Town way Commonly called Cottle's Lane, and running as the said Lane doth on the easterly side of it, to the highway commonly called High Street; and so westerly as the said highway runs, on the northerly side thereof, till it comes to a town way known by the name of Fish Street; and thence southwesterly as the way goes, and on the easterly side thereof, leading by Benjamin Moodey's to a place called the West Indies, until it intersects a streight line drawn from the southerly side of the highway against Cottle's Lane aforesaid, to a rock in the great pasture near the dividing line between the third and fifth parishes there; and so as the said streight line goes, until it comes to the dividing line aforesaid; and from thence as the said dividing line runs, by the said fifth parish, down to the Merrimack River, and thence, along said river to the place first mentioned,—be and hereby are constituted and made a [separate and] distinct Town by the name of Newburyport, and vested and endowed with all the Powers, Priviledges and Immunities that the Inhabitants of any of the Towns within this Province do or ought by Law to enjoy; save that they shall have the Right of chusing and sending from time to time but one Person to represent them in the Great and General Court of this Province.*

The act provided, also, that only one representative should be elected annually from the remaining part of the town of Newbury; that the boundary lines between the several parishes should remain as heretofore by law established; that public buildings and other public property should be equitably

* Acts and Resolves of the Province of Massachusetts Bay, vol. iv., p. 676.

divided, accounts adjusted, and settlement made according to the valuation fixed by the last tax levy.

June 6, 1765, the inhabitants of Newbury appointed a committee to confer with a committee from Newburyport in regard to the value of the public buildings, within the limits of Newbury, belonging to the inhabitants of both towns; and March 11, 1766, this committee was authorized to demand and receive from the town of Newburyport all sums due in settlement of claims to that date.*

The dividing-line between Newbury and Newburyport can be traced on the map on page 239, beginning at the point marked M on the Merrimack river, thence running to the point marked T, thence to S, thence to K, thence to L, and thence by the Merrimack river to the bound begun at.

* Town of Newbury Records.

CHAPTER V.

1765-1902.

AFTER the incorporation of Newburyport the inhabitants of Newbury voted, September 19, 1764, to hold the next annual town meeting in Rev. Moses Hale's meeting-house in the Second parish, "provided the inhabitants of that parish consent thereto." *

At a meeting of the inhabitants of the Second parish, held October 16, 1764, liberty to use the meeting-house for the transaction of public business, "in the month of March next," was granted without debate.† The annual meetings of the town were held there until May 19, 1767, when it was voted "that, hereafter, the town house in the first parish shall be the place of meeting until further orders." *

March 8, 1768, the subject was again under consideration; and the town voted that "the next annual meeting shall be held in the second parish." The town-house at this time was very much out of repair, and repeated efforts were made to improve its condition. Votes passed at one meeting, authorizing the selectmen to make the necessary repairs, were reconsidered and declared null and void a few weeks later.

March 13, 1770, the town voted that hereafter, until otherwise ordered, "one half the town meetings shall be held in the second parish." March 10, 1772, the inhabitants again assembled in the town-house; but, after choosing a moderator, they voted to adjourn to the meeting-house in the First parish, where the regular order of business was taken up and disposed of. Subsequently, town meetings were held alternately in the First parish and the Second parish meeting-houses until March 10, 1818, when the inhabitants were notified to meet in the Newburyport Academy, then within

* Town of Newbury Records.

† Second Parish Records, p. 139.

the limits of the town of Newbury, the old town-house having been sold at public auction to John Mycall, Esq., in 1780.*

At a meeting held in the academy April 6, 1818, a committee was chosen to select a suitable place for a town-house; and a few weeks later land owned by Dudley A. Tyng, Esq., at the corner of the Bradford road and the way to the Amesbury ferry, now in Newburyport, was purchased, and the building of a new town-house decided upon. June 18, 1818, the legal voters of the town were summoned to attend a meeting to be held in the Second parish meeting-house, "to see if they will suspend building the town house until the determination of the Legislature is known respecting the division of the town." †

At this meeting 229 votes were cast in favor and 309 against discontinuing the work; but in the month of July following, at a meeting held in the Newburyport Academy, the town voted to reconsider its action in regard to building a town-house in the Fourth parish, and decided that it should be erected in the First parish between the head of Greenleaf's lane, now State street, and the toll-house on the Newburyport turnpike. October 1, 1818, the selectmen were authorized by an unanimous vote (241 persons voting in favor of the motion and no one opposing it) to purchase a lot of land near the turnpike, owned by Moses Brown, and to remove from the Fourth parish to this land all the lumber and other materials that could be used in the construction of a town-house.

The building was completed during the following winter, and March 9, 1819, the inhabitants of Newbury assembled for the first time in the new town-house, and continued to meet there annually until April 17, 1851, when the General Court ordered that a portion of the town of Newbury, including the town-house, should be set off and annexed to the town of Newburyport.‡

*"Ould Newbury," pp. 198-200, 649.

†Town of Newbury Records, also Essex Deeds, book cccvii., p. 204.

‡The town-house is still standing nearly opposite the entrance to the Oak Hill Cemetery. For several years it was used by the city of Newburyport for the accommodation of the pupils of the Brown High school. It was afterwards sold and converted into a dwelling-house.

During the next two or three years public meetings were held in the high-school building near the First parish meeting-house and at the vestry in Pearson's Mills village. March 20, 1854, the selectmen were authorized to purchase a lot of land and build a town-house in the farms district between the estates of Luther Noyes and John N. Kent. The first meeting in this new town-house was held November 13, 1854.

PRIVATE AND PUBLIC CONVEYANCES.

Heavy carts for the transportation of merchandise and agricultural products, drawn by oxen or horses, were in use in Newbury as early as 1670, and perhaps earlier; but men and women, travelling for business or pleasure, went on foot or rode on horseback. Carriages or coaches for the transportation of passengers were considered a costly luxury in the province of Massachusetts Bay previous to the year 1700. Jonathan Wardell set up the first hackney coach in Boston in 1712.*

The improvement in roads, and the gradual increase of wealth in the province, led to the introduction of the calash, a low, two-wheeled carriage, with a top that could be thrown back or raised at pleasure, drawn by one horse. The passenger chair, or chaise, having two, sometimes four, wheels, came into use about the same time. Sulkies and gigs, for carrying a single person, soon followed. At a later date the curricle, a two-wheeled carriage, with seats for three or four persons, drawn by two horses, was a popular conveyance on long lines of public travel.

Judge Sewall, having sailed in the sloop "Samuel and Hannah" from Boston for York, was forced by head winds to land at Marblehead. In his diary, under the date of May 13, 1718, he wrote: "Went to Salem in a Calash my Bro^r provided. From thence with the Post got to Newbury that night." †

For the better accommodation of travellers the General

* Memorial History of Boston, vol. ii. (note), p. 452.

† Diary of Samuel Sewall, vol. iii., p. 184.

Court ordered, June 23, 1718, "that at Charlestown, Winnisimmet [Chelsea] Salem and Newbury ferries there be henceforth provided and kept on each side of the water, by the ferry men of the respective ferries, a pair of planked trucks of a sufficient breadth for the Safe and more convenient passing of coaches, colashes, horses and cattle, in and out of the ferry boats, on penalty of ten shillings for every three months neglect," etc.*

In 1737, a tax of thirty shillings per annum on the owner of a coach or chaise having four wheels, and twenty shillings per annum on the owner of a chaise, calash, or chair having two wheels, was imposed by order of the General Court. A memorandum on the fly-leaf of the records of the town of Newbury gives the names of some of the persons taxable under this law, as follows:—

Joseph Atkins, chaise, May 26, 1738.

Lieut Joseph Pike, calash, June 12, 1738.

Edmund Greenleaf ordered his new chaise to be entered July, 1738.

Joseph Moulton informed the town clerk that he owned a chaise July 31, 1739.

Lieut John Emery, chaise, March 20, 1739-40.

Benjamin Moody paid for his chaise for one year past twenty shillings, March 24, 1739-40.

Rev. Matthias Plant, minister at Queen Anne's Chapel, noted in his memorandum, or account book, the following items:—

Aug. 12, 1748 I p^d Jacob Chaice for painting my chair 1.10.0.

Aug. 25, 1748 p^d Pearson for oil & paint for chair 0.17.0

He also acknowledged at a subsequent date the receipt of ten shillings for the use of his chair, or chaise, from Newbury to Boston and return.

From the tavern kept by John Stavers in Portsmouth the first stage, or passenger chair, with two horses, and capable of carrying four persons besides the driver, started on Monday, April 20, 1761, for Boston, passing through Newbury on the way, returning in season to reach Portsmouth Friday night. For many years this stage continued to make one trip every

* Province Laws, vol. II., p. 100.

week to Boston and back, leaving Portsmouth, however, on Tuesday instead of Monday, and returning on the Saturday following. Bartholomew Stavers, brother of John Stavers, published in May, 1763, the following notice:—

THE PORTSMOUTH FLYING STAGE COACH

Is now finished, which will Carry Six persons inside: runs with four or six horses: each person to pay 13^s 6^d to Boston and 4^s 6^d to Newbury. Sets out from the sign of the Earl of Halifax, every Tuesday morning between 7 and 8 o'clock, goes thro' Newbury to Boston, and will put up at inns on the road where good entertainment and attendance are provided for the passengers in the coach. The subscriber, Master of the Stage coach, is to be spoke with from Saturday night to Monday night, at Mr. John Stavers', innholder, at the Sign of the Earl of Halifax.

BARTHOLOMEW STAVERS.*

In 1774, the following advertisement appeared in the Massachusetts Gazette:—

STAVERS' STAGE COACH

NUMBER ONE

Continues to ply from Portsmouth to Boston with FOUR HORSES equal to any in America: sets out from Portsmouth on Tuesday mornings, reaches Boston next Day: Leaves Boston Friday mornings reaches Portsmouth next day, at said Staver's House, where is good accommodations for Carriages and Horses. He takes Care and provides good Drivers. His Carriages for twelve years have never been overset nor Passengers met with any Hurt.

N.B. Such as want a Passage from Boston are desired to apply to Mrs. Bean's in King Street.†

During the same year Mr. Ezra Lunt commenced to run a line of coaches from Newburyport through Newbury, Ipswich, and Salem to Boston, making two trips a week each way. In The Essex Journal and Merrimack Packet, a newspaper printed in Newburyport, in the month of May, 1774, is the following advertisement:—

STAGE COACH

That constantly plies between Newburyport and Boston sets out with four horses every Monday morning, at 7 o'clock, from Newbury-

* "Rambles about Portsmouth," p. 187.

† Putnam's Monthly Magazine, July, 1892, p. 76.

port, and arrives at Boston the same day; leaves Boston every Thursday morning, and reaches Newburyport the same day. Such ladies and gentlemen as want a passage from Newburyport to Boston, are desired to apply at the house of the subscriber, opposite to the Rev. Mr. Parson's Meeting House. And those from Boston to Newburyport, at the house of Mrs. Beal, in King Street.

It is hoped this very expensive undertaking will meet with encouragement from all ladies and gentlemen as they may depend on the punctual performance

Of the people's most obedient servant

EZRA LUNT.*

At the breaking out of the Revolutionary war, Mr. Lunt sold his horses, carriages, and stable fixtures, and enlisted in the Continental army. April 21, 1795, Jacob Hale and son announced that they would run a line of stages through the towns of Newbury and Ipswich to Boston, "twice a week, on Mondays and Thursdays, returning Wednesdays and Saturdays." Seats to be secured at Mr. Hale's house on Federal street, Newburyport, "near Mr. Dana's meeting-house." † April 22, 1800, Joseph and Benjamin Hale advertised in the Newburyport Herald and Country Gazette that "the stage formerly run by Mr. Jacob Hale" "will leave Federal street opposite Mr. William Bartletts" once a week for Boston.

In 1818, the Eastern Stage Company was organized; and under the management of Mr. Benjamin Hale, Dr. Nehemiah Cleaveland, and others, a line of stages was established and maintained from Dover to Portsmouth, N.H., and from thence to Newburyport, Newbury, Ipswich, Topsfield, and Boston.

April 14, 1836, the Eastern Railroad Company was incorporated by the General Court of Massachusetts. The road was opened from Boston to Newbury on the nineteenth day of June, 1840, and to Newburyport on the twenty-eighth day of August following.

In 1850, the road from Newburyport through Byfield was built to Georgetown, and from thence, in 1851, to Bradford. Two years later, it was extended from Georgetown through Topsfield and Wakefield, and leased to the Boston & Maine

* Gage's History of Rowley, p. 465; also, Putnam's Monthly Magazine, July, 1802, p. 77.

† Impartial Herald, April 21, 1795.

It was never popular with the travelling public, and proved to be an unprofitable investment for the capitalists who built it.

February 24, 1806, the General Court passed "An Act to establish Plum Island Turnpike and Bridge Corporation." Although the subscribers to the capital stock of this corporation were nearly all citizens of Newburyport, the turnpike, about two miles long, extending from the northeast end of Rolfe's lane, now Ocean avenue, Newburyport, to a point on Plum island about one mile north of Sandy beach, so called, together with the bridge over Plum Island river, were wholly within the limits of the town of Newbury. The turnpike and bridge were completed before the close of the year. The corporation has been several times reorganized; and visitors are now transported to and from Plum island over this bridge and turnpike in cars connected with the Citizens' Electric Street Railway system of Newburyport.

BRIDGES.

For the accommodation of travellers on their way from Newbury to Rowley and thence to Boston, a bridge was built over the Parker river, near the residence of Richard Thorlay, previous to the year 1654. It was one of the earliest bridges erected in New England, and the first one over navigable waters within the limits of the town of Newbury. It has been several times enlarged and repaired.

In September, 1660, a committee was appointed by the court at Ipswich to view the bridge and highway between Newbury and Rowley. This committee reported June 25, 1661; and the court ordered the county treasurer to pay the sum of forty pounds to Ezekiel Northend and John Pickard, provided they build "a sufficient horse bridge six foot wide" over the Parker river.* Messrs. Northend and Pickard evidently assigned or sublet their contract to John Woolcott.

When the bridge was completed, the committee reported that it was inadequate and unsatisfactory.† November 25, 1662, John Woolcott, who built the bridge, agreed to make it

* Salem Court Records, vol. iv., p. 71.

† Salem Court Files, vol. viii., p. 94.

strong and substantial;* and June 30, 1663, the court ordered the county treasurer to pay him the balance due according to the terms of the contract.†

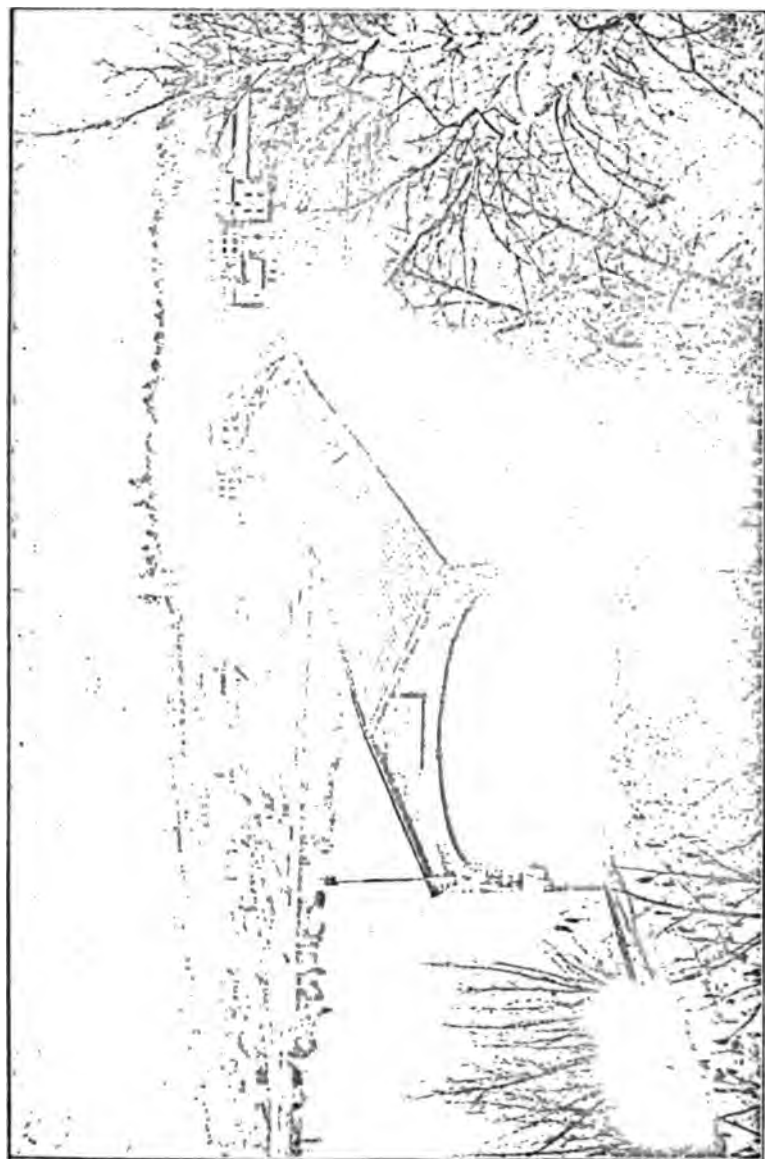
In 1758, a larger and more serviceable bridge over the same river from Newbury neck to Oldtown ferry landing, was built with funds raised by means of a lottery authorized by an act of the General Court passed January 29, 1750-1. It was maintained as a toll-bridge until 1850, when the rights and privileges of the corporation were surrendered to the commonwealth. In 1853, it was rebuilt by the county of Essex and made a free bridge. Since that date the annual charges for repairs and maintenance have been paid by the inhabitants of the town of Newbury.‡

The Essex-Merrimack Bridge Company was incorporated February 24, 1792, and built, during the following summer, a bridge over the Merrimack river connecting Deer island with the towns of Newbury and Salisbury. In the year 1810 the main portion of this bridge was taken down, and a chain suspension bridge erected in its place. February 6, 1827, some of the chains supporting this structure gave way, and the bridge, with a loaded team, two men, four oxen, and one horse, fell into the river below. The horse and men were saved, but the oxen were drowned. During the following summer the bridge was rebuilt and maintained as a toll-bridge until the fourth day of August, 1868, when it was laid out as a public highway under the provisions of an act passed by the General Court in the month of June preceding.§

June 14, 1794, Enoch Sawyer, William Coffin, Joshua Wingate, Jacob Brown, Joseph Newell, Amos George, Ephraim Elliot, Moses Moody, William L. Abbot, and William Cutler, "with such other persons as may be associated with them," were made and constituted a corporation by the General Court, and authorized to build a bridge over the Merrimack river "from the public landing at Swett's ferry in Haverhill to the opposite shore in Newbury." The bridge was built at or near Holt's rocks, and was known as the Rocks

* Salem Court Records, vol. iv., p. 107. † Ibid., vol. iv., p. 118. For a more extended account of Thorley's bridge the reader is referred to "Old Newbury," pp. 201-211.

‡ "Old Newbury," pp. 530-539. § Ibid., pp. 593-604.



ROCKS BRIDGE, FROM WEST NEWBURY.

bridge by the travelling public, although "Merrimack bridge" was the name given to it in the act of incorporation. It was one thousand feet in length, and connected Rocks village in East Haverhill with the upper parish in Newbury, now a part of the town of West Newbury.

The bridge, built in a substantial manner, supported by five piers and two abutments, was completed on the twenty-sixth day of November, 1795. The event was celebrated by the display of flags, the ringing of bells, the firing of cannon, and by a procession of workmen, officers of the corporation, and citizens generally, who marched in military order over the bridge, escorted by a troop of horsemen under the command of Captain Boardman.*

A heavy freshet, that raised the water in the Merrimack river to an unprecedented height, with the floating ice that formed a temporary dam between the piers, swept the bridge away in the spring of 1818, completely destroying it. No effort was made to rebuild it until the year 1828, when the General Court granted "the proprietors of the Merrimack Bridge" liberty to build a bridge "upon the old foundations at or near Holt's rocks." The work of reconstruction, begun in April, 1828, was completed early in the month of November following. It was maintained as a toll-bridge until 1868, when it was made free and laid out as a public highway by order of the General Court.

In 1883, it was repaired and supplied with a new swinging draw of modern construction. In 1892 it was strengthened by the addition of two new piers, and in 1894 a portion of the bridge on the Haverhill side was removed and replaced by a new iron structure.

The half-tone print on the opposite page gives a view of the covered way as it was in 1828 and as it appears from the Newbury, now West Newbury side of the river.

Several years previous to the rebuilding of Rocks bridge some of the prominent citizens of Amesbury became interested in a plan to revive and restore, if possible, the popularity of the old route of travel over Hook's ferry by building a

* *Impartial Herald (Newburyport)*, December 1, 1795.

bridge, across the Merrimack river, from the mouth of Powow river to the old ferry landing-place on the opposite shore, in Newbury.

Robert Patten, and other persons who were interested with him, presented a petition to the General Court, May 27, 1824, asking for an act of incorporation for the purpose named, subject to such restrictions as the General Court might consider necessary. On the seventh day of June the Senate concurred with the House of Representatives in the appointment of a committee to view the location, and investigate the claims set forth by the petitioners as well as the objections urged by the opponents of the measure. A strong remonstrance from the inhabitants of Haverhill, and other towns on the river, undoubtedly induced the committee to recommend "that further consideration of the subject be referred to the next General Court." This recommendation, adopted February 15, 1825, although unsatisfactory to the petitioners, was accepted by them; and no further attempt was made to secure the coveted charter. During the following summer a new movement was inaugurated that resulted in the building of a bridge two or three miles below the place selected by Robert Patten and his associates.

As early as February 27, 1802, William Bartlet and Nicholas Pike applied to the General Court for liberty to build a bridge from Newburyport to Salisbury, and also a road to connect it with a proposed turnpike from Portsmouth to Boston. On the eleventh day of May the town of Newbury voted to oppose the erection of a bridge over the Merrimack river from Newburyport, and also voted to oppose the building of a turnpike to Boston. The inhabitants of other towns on the river objected, on the ground that the proposed bridge would be an obstruction to navigation.

June 12, 1802, a special committee was appointed by the Senate and House of Representatives to visit Newburyport, hear the testimony of the petitioners as well as the remonstrants, and report the result of their investigations at the next session of the General Court. February 28, 1803, this committee reported "inexpedient to grant the prayer of the

petitioners," and, apparently, no farther action was taken for nearly twenty-five years.

March 4, 1826, James Prince, John Wood, Stephen Frothingham, "and all other persons associated with them" were authorized to erect a bridge over the Merrimack river, from Newburyport, between Market and Kent streets, to some convenient point in the town of Salisbury; and, also, to lay out and make a road four rods wide from the bridge on the Salisbury side to the county road leading to the meeting-house in East Salisbury. The bridge was built during the summer of 1827. It rested on four stone piers and two abutments, and was supported in part by chains that extended from the top of a high wooden arch, built on the west bank of the river, to the centre of the span between the stone abutment and the first pier, and thence over the top of a second arch, built on that pier, to the centre of the second span, and so continuing until the Salisbury shore was reached.

LAWS AND ORDERS FOR THE PROTECTION OF FISH.

William Wood, in his description of New England published in London in 1634, says, "In this river [Merrimack] is sturgeon, Sammon and Basse, and divers other kinds of fish." * "The sturgions be all over the countrey, but the best catching of them be upon the Shoales of *Cape Codde* and in the River of *Mirrimacke* where much is taken, pickled and brought for England, some of them be 12, 14, 18 foote long." *

On the twenty-sixth day of March, 1642, the town of Salisbury "granted to Robert Ring two acres of upland upon the island † over against Watts sellar ‡ to be employed about fishing for two years." §

At that date there was no settlement on the southwesterly bank of the Merrimack river. The name "Watts Sellar" was probably applied to a shallow excavation or pit that marked the spot where a house for the accommodation of fishermen once stood; subsequently the new town, which in-

* *Ante*, p. 25.

† Ring's Island, opposite foot of State street, Newburyport.

‡ In rear of the present police station, Newburyport. § Coffin's *History of Newbury*, p. 27.

cluded all the territory within the present limits of Newburyport, was laid out and occupied by the early settlers of Newbury.

The catching and curing of sturgeon soon became an important and profitable industry. Large quantities were boiled, pickled, packed in kegs, and shipped every season to Boston, London, and elsewhere. May 7, 1673, William Thomas, of Newbury, then seventy-four years of age, petitioned the General Court to prohibit the pickling or putting up of sturgeon by any person for transportation, "except such as by lawful authoritie shall be licensed thereto." * In answer to this petition the county courts were authorized "to license able and fitt persons to boyle and pickle sturgeon for sale," and also to appoint searchers, or inspectors, to examine the kegs when packed, and mark the weight and quality of the contents thereon.†

Regulated and controlled by the provisions of this law, the business continued to grow and thrive in Newbury for many years. During the summer months, sturgeon were abundant, and, when taken fresh from the water and properly cooked, were esteemed a great luxury. Samuel Sewall, on his way from Boston to Hampton and Portsmouth, "Stopped in Newbury, July 8, 1701, and eat sturgeon at Major Davison's." ‡

Salmon were also caught in large numbers; and tradition asserts that they were so plentiful at certain seasons of the year that apprentices stipulated in their articles of agreement that they should not be compelled by their employers, who supplied them with food and clothing, "to eat salmon more than three times a week." Before the close of the seventeenth century, however, a more extended market reduced the overabundant supply; and baked or boiled salmon became a popular and favorite dish with farmers and laborers as well as with men of prominence in the province of Massachusetts Bay.

In May, 1695, Judge Sewall, returning from a special court, "held at Mr Shaplighs just over against Dover," invited

* Coffin's History of Newbury, p. 114.

† Massachusetts Colony Records, vol. iv., part II., p. 553.

‡ Samuel Sewall's Diary, vol. II., p. 38.

Mr. Thomas Danforth, Mr. Elisha Cook, Col. Hutchinson, and other gentlemen who accompanied him, to dine at his expense, on salmon, at Capt. Edward Sargeant's tavern, at the water-side, in Newbury.*

May 13, 1718, the town of Newbury granted Moses Chase, Abraham Annis, Joseph Pike, William Morse, and others liberty to use the flats near Holt's rocks, on condition that they give one salmon per year to Rev. Christopher Toppan, pastor of the First church, and one to Rev. John Tufts, pastor of the Second church in Newbury, "if they catch them."†

"An act to prevent the destruction of salmon and other fish in Merrimack river" was passed by the General Court, February 28, 1765,‡ but the fines and penalties imposed by this act were evaded, and the business of catching and curing salmon was continued until the growth of large manufacturing cities, the impurity of the water, the erection of dams at Lowell and Lawrence, seriously interfered with the movements and habits of fish coming from the sea, at the spawning season, and ultimately led them to seek purer streams.

For the protection and preservation of bass in the Parker river the General Court, in answer to a petition from the inhabitants of Newbury,§ provided by a law passed April 26, 1771, that fish should not be taken from that river, at certain seasons of the year, under severe penalties.¶ The provisions of this law were not strictly enforced; and March 2, 1793, "An act to enable the town of Newbury to regulate and order the taking of Fish called Shad, Bass and Alewives in the river Parker within the limits of said Town," and providing further "that the inhabitants of Newbury at their annual meeting may determine and order in what manner and at what time fish may be taken from said river," was passed by the General Court.

May 7, 1793, the town of Newbury "voted that no person be allowed to put a seine, hedge, weir or drag net into the

* Samuel Sewall's Diary, vol. i., p. 406.

† Town of Newbury Records.

‡ Province Laws, vol. iv., p. 741.

§ Town of Newbury Records, May 24, 1770.

¶ Province Laws, vol. v., p. 134.

river Parker, at any season, for the purpose of fishing for or catching of any Bass, shad or alewives in s^d river," and also "voted that no person be allowed to catch any of s^d Fish with a Dip net or any other way from the First day of December to the First day of April." *

The enforcement of these rules and regulations was intrusted to Capt. Stephen Kent, David Dole, jr., and Stephen Adams, jr. Although faithful and diligent in the discharge of their duties, they failed to accomplish the purpose for which they were appointed; and the power and authority of the General Court was again invoked to prevent the wholesale destruction of fish in Newbury. February 22, 1797, another act, more stringent in its provisions, was passed, prohibiting, under severe penalties, the sale of bass caught in the Parker river, and providing for the election of fish wardens to enforce the act; but the results were unsatisfactory, and the General Court endeavored to improve the condition of affairs by another act, passed March 8, 1806, requiring mill-owners to make a sufficient way for the passage of fish over their mill-dams, and directing them to keep the fish-way open and well supplied with water from the fifteenth day of April to the first day of June. Additional acts were passed March 4, 1809, February 26, 1813, and April 18, 1837, without, however, increasing the number of fish in Parker river to any appreciable extent.

Committees were chosen from time to time to carry the provisions of these acts into effect, but violators of the law continued to escape arrest and prosecution. Many of the offenders were from neighboring towns; and the inhabitants of Newbury, in order to keep out all intruders, voted, April 19, 1858, to prohibit the taking of fish from Parker river or its branches, at any time, by any person not having a legal residence within the limits of the town. In 1869, the law was again modified; and now the catching of fish in the ponds, streams, or rivers of Massachusetts, is controlled and regulated by commissioners appointed by the State.

* Town of Newbury Records.

FIRE-ENGINES AND FIREMEN.

For more than a century after the settlement of Newbury disastrous fires were subdued or extinguished by the primitive appliances and methods then in use. Ladders borne upon the shoulders of men from the nearest workshop or farmhouse were raised to the roof of the burning building; and water, by means of buckets passed from hand to hand, was thrown with more or less dexterity upon the devouring flames.

When fire-engines were first introduced, they were rude and clumsy affairs, consisting mainly of a square or oblong cistern on wheels, fitted with pumps worked by levers and supplied with water brought in buckets from the nearest available source of supply.

In 1744, the General Court authorized the appointment in every town in the province "of a suitable number of persons not exceeding ten who shall be denominated firewards and have each, for a distinguishing badge of the office, a staff of five feet long painted red and headed with a bright brass spire six inches long." *

March 13, 1753, Nathan Hale and others presented a petition to the inhabitants of Newbury "about a fire engine." It is evident that the prayer of the petitioners was promptly granted; for "Will^m Richards, John Brett, Enoch Plumer, Samuel Nowell, Benjamin Cole, Eliphalet Noyes, Benj^a Sweet, Jonathan Titcomb, Henry Friend, Somerby Moody, and John Sewall," having built an engine-house at their own expense, and taken care of the fire-engine for several years previous to May 21, 1759, were then "excused from other service in town affairs so long as they continue to take proper care of said engine and faithfully attend in case of fire." †

March 9, 1762, a petition was presented to the town of Newbury, stating that a company had been formed to take care of the fire-engine, that Gideon Woodwell had been chosen captain, and that he and his associates desired to be released

* Province Laws, vol. lli., p. 214. † Town of Newbury Records (1731-85), pp. 93, 118.

from certain minor duties while serving as firemen. The petition was signed by the following persons:—

Jonathan Marsh	Joshua Norton	Richard Smith
Benjamin Knight Jun	John Follinsby	Bulkley Emerson
Jacob Rolfe	William Johnson	David Whitmore
Thomas Cross	Hezekiah Coleby Jun	Joseph Rolfe
Francis Hodgekins	Gideon Woodwell	Nathl Hunt
John Nowell	Jonathan Parsons Jun	Moses Nowell
Benjamin Gerrish	Ebenezer Swasey	Thomas Rogers
Jonathan Whitmore	Charles Cook	Nathl Knapp Jun

The prayer of the petitioners was granted so far as to exempt twenty of sd Petitioners from highway rates & petty affairs in the town.*

At the same meeting the town voted to organize a company to take charge of the fire-engine imported by Michael Dalton and others from London in May, 1761. The following persons were appointed members of the company:—

Richard Titcomb	John Sewall	Offin Boardman
Isaac Johnson Jr	Joseph Collins	Jacob Toppan
Benjamin Pidgeon	Samuel Nowell	Joseph Rowell
Abraham Gallashan	John Stone	Benjamin Pike
Michael Tappan	Samuel Greenleaf	Leonard Smith
Jacob Gideon	Joseph Titcomb 3d	John Stickney Jr
Obadiah Horton	Joseph Remick	Samuel Coker

They were also excused from serving as subordinate officers of the town, and were by a special vote exempt from the payment of highway taxes.†

Voluntary associations were also formed to assist the firemen in the performance of their duties. Every member of the "Dernier Resort Fire Society," organized in 1761, was required to provide himself with "two good leather buckets, two strong bags, and a knapsack for food or clothing."

These fire-engines were located in the centre of the town, and were set off and transferred to Newburyport when that town was incorporated in 1764.

February 7, 1786, the selectmen of towns, "that are or may be provided with fire engines," were authorized by the

* Town of Newbury Records (1731-85), p. 133.

† Ibid., p. 133.

General Court to appoint suitable persons, not exceeding fifteen to any one engine, to be under the direction of the fire-wards of the town, "and subject to such rules and regulations as they shall adopt." The firemen were placed in charge of the engines to which they were appointed, and were required to respond quickly at every alarm of fire, and assist in subduing the flames.

Previous to 1803 that part of Newbury known as "Belleville" was provided with a fire-engine. One article in the warrant for the town meeting held April 4, 1803, reads as follows:—

To see if the town will erect a suitable building to cover an engine which has been lately purchased by Enoch Sawyer and others.

No definite action was taken in regard to the erection of an engine-house during that year; and the subject was not again brought to the attention of the voters until another engine had been purchased by some of the prominent citizens residing in the vicinity of Marlborough street, at the lower end of the town.

At the annual meeting held May 9, 1805, the selectmen were authorized to expend two hundred dollars to build two engine-houses, and provide sixty-four buckets, to be equally divided between the two engine societies.

At a town meeting held April 7, 1806, the following persons were appointed fire-wards:—

FOR ENGINE NUMBER ONE.

John Rollins	Farnum How	Robert Dodge
Orlando B. Merrill	Jacob Little	Eben ^r Whitmore

FOR ENGINE NUMBER TWO.

Capt David Little	Richard Pike	Philip Coombs
Stephen Ilsley	Capt Ebenezer Stocker	Samuel Goodwin
	Joseph Lunt Colby	

May 9, 1808, the following fire-wards were appointed:—

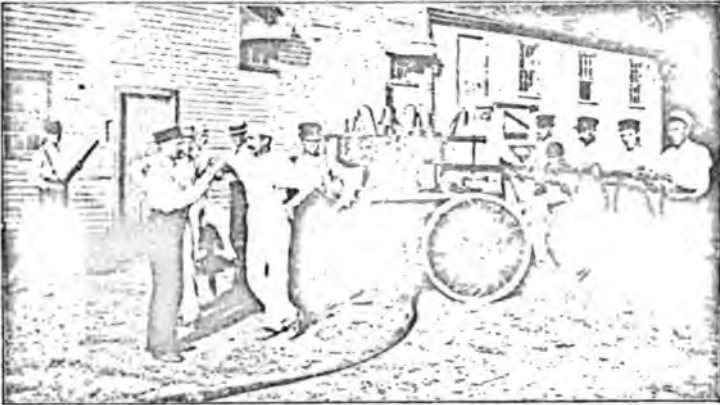
FOR ENGINE NUMBER ONE.

Jacob Little	Robert Dodge	Orlando B. Merrill
John Rollins	Farnum How	Eben ^r Whitmore

FOR ENGINE NUMBER TWO.

Benjamin Perkins	Mayo Gerrish	Samuel Goodwin
Jacob Swett	Isaiah Ilsley	Stephen Ilsley
Capt David Little	Major Benj Stickney	Moses Adams Jun
Philip Coombs	Richard Pike	Abram Wheelwright

When "Belleville" and "Joppa" were annexed to Newburyport in 1851, engines numbered one and two were transferred, with other public property from the town of Newbury, and subsequently under the name of "Torrent, number



FIRE ENGINE, 1850.

seven," and "Neptune, number eight," they were united with the fire department of the city of Newburyport. Since that date, owing to the sparseness of the population and the isolation of the dwelling-houses, it has not been considered necessary or advisable to keep or maintain fire-engines within the present territorial limits of Newbury.

THE ADOPTION AND RATIFICATION OF THE CONSTITUTION OF THE STATE OF MASSACHUSETTS.

During the year 1777 the General Court, acting as a convention, prepared a constitution for the government of the State of Massachusetts, and on the twenty-eighth day of February, 1778, submitted it to the people for their approval.

On the tenth day of March the town of Newbury appointed a committee to examine the proposed constitution, and report the result of their investigations at a subsequent meeting to be called by the selectmen. June second, this committee recommended that the legal voters of the town refuse to accept or adopt the constitution on account of its many and serious defects.*

Meetings were held in every town throughout the state, and after an exciting canvass the proposed constitution was rejected by a large majority of the votes cast.

February 20, 1779, the General Court passed a series of resolutions directing the selectmen of towns to ascertain whether the freeholders and inhabitants of their respective towns favor the "calling of a State Convention for the sole purpose of forming a new Constitution," and to return to the Secretary of State, previous to the first Wednesday in June following, the number of persons voting for or against the proposed measure. On the twenty-first day of May the town of Newbury voted "that in case a major part of the People of this State shall appear to be for a new form of government at this time then, in that case, this Town instruct their Representatives to act for a Convention to be called in such a way and manner that all the good People in the State (as nearly as may be) may have an equal voice in forming the said constitution."†

Having ascertained that the inhabitants of more than two-thirds of the towns in the state were in favor of the proposed convention, the General Court recommended, June 17, 1779, that delegates from every town should be elected to meet in Cambridge "on the first day of September next . . . for the sole purpose of framing a new Constitution."

August fourth, Mr. Richard Adams, Enoch Sawyer, Esq., and Mr. Ebenezer March were chosen to represent Newbury, and with many eminent men from other towns in the state assembled at the time and place designated. The convention organized by the choice of Hon. James Bowdoin, president, and Samuel Barrett, Esq., secretary. Rules were

* Town of Newbury Records (1731-85), p. 32s.

† Town of Newbury Records.

adopted, several important committees appointed, and the general principles of the proposed declaration of rights discussed. The convention continued its deliberations until the seventh day of September. It assembled again October twenty-eighth, for another session of nearly two weeks, when it adjourned to meet, January 5, 1780, in the representatives' chamber in the state house at Boston.

March 2, 1780, the members of the convention agreed upon the constitution that was soon after printed and submitted to the legal voters of the state for their approval or rejection. They also recommended that the votes cast for or against the constitution should be examined and counted by the delegates to another convention to be held in Boston June 7, 1780.

On the twenty-ninth day of May, Enoch Sawyer, Esq., Mr. Richard Adams, and Mr. Ebenezer March were re-elected to represent Newbury in the examination of the returns; and at the same meeting it was also voted, "that the Delegates from this Town be authorized to Joyn with their Brethren in Convention & Determine when the Constitution shall take Place, Provided that two Thirds of the male inhabitants of this state vote for the same." *

On the sixteenth day of June, 1780, the convention declared that the constitution had been adopted by the requisite number of votes, and "Resolved, that the said Constitution or Frame of Government shall take place on the last Wednesday in October next."

PARISH TAXES AND PUBLIC WORSHIP.

As early as May 24, 1770, an effort was made to secure for the inhabitants of Newbury "liberty to attend public worship in any meeting house in Newbury or Newburyport and pay taxes where they attend." † This effort, however, was unsuccessful; and no further action was taken until March 10, 1794-5, when the town of Newbury voted "that the inhabitants of this town have liberty to attend Publick

* Town of Newbury Records.

† "Ould Newbury," p. 506.

worship where they choose and be subject to the Rules and Regulations of that Society where they generally attend and be exempted from taxation elsewhere for the support of publick worship."*

Major Samuel Noyes, Lieut. Nathaniel Emery, Deacon Solomon Haskell, and Capt. Paul Moody were appointed a committee to petition the General Court for the enactment of a law legalizing the vote and providing for the assessment and collection of taxes in the manner proposed.

An act authorizing the First parish in Newbury to "exempt from taxation those persons who produce a certificate from any incorporated religious society stating that they are members of that society and are willing to be taxed therein" was passed June 17, 1796.† This act, however, did not exempt the inhabitants of other parishes in Newbury from the payment of taxes for the support of public worship in the parishes where they resided, even though they were faithful and devout members of, and regular contributors to religious societies elsewhere.

The subject was again brought to the attention of the legal voters of Newbury at a meeting held May 9, 1808; and a committee was appointed to prepare and present a petition to the General Court for such amendments or modifications of the law as were necessary to give to the inhabitants of the town "liberty to attend publick worship where they please."* But the liberty asked for was not obtained until the third article of the declaration of rights established by the constitution of the state was amended in 1833.†

INOCULATING HOSPITAL.

At the beginning of the Revolutionary war the inhabitants of Newbury were greatly alarmed by the prevalence of small-pox. The art or practice of vaccination was then unknown; but many persons were voluntarily inoculated with the disease in its most virulent form, in order that its ravages might be mitigated under the care and attention of experienced physicians.

* Town of Newbury Records. † "Ould Newbury," p. 317.

It is evident, however, that the legal voters of the town were opposed to the unrestricted and unguarded use of that privilege. November 26, 1773, they appointed a committee of five persons "to take such measures as may be necessary to prevent Inoculation of the small pox at the house of Capt Moses Little, or elsewhere in the town." *

July 9, 1776, the General Court passed "an act Impowering the Justices of the Court of General Sessions of the Peace in the Several Counties in this Colony to permit one or more Inoculating Hospitals to be erected in each of Said Counties." April 11, 1777, this act was amended, and some important regulations and restrictions added. †

March 10, 1777-8, the town of Newbury voted to petition the General Court for liberty to provide a suitable place within the limits of the town "for inoculation for small pox." *

This vote was subsequently reconsidered, but after a delay of some weeks was again passed and again reconsidered.

In the mean while the Court of General Sessions for the county of Essex authorized the erection of an inoculating hospital on Kent's island; and Stephen Cross and other citizens of Newbury and Newburyport united in a petition to the General Court, asking that the directors of the hospital might be allowed to retain possession of the property and manage its affairs without interference.

April 11, 1778, the General Court adopted a series of resolutions, in substance as follows:—

Moses Frazier, Samuel Tufts, Jonathan Marsh, Ebenezer March, John Pearson, Junior, Joseph Stanwood and Paul Lunt, appointed by the last Court of the General Sessions of the Peace holden for the County of Essex, as Directors of an inoculating Hospital then allowed by said Court of Sessions to be erected and established on Kent's Island in the town of Newbury, are hereby permitted to continue said Hospital, they to be Directors till the further order of the General Court:

And as the Inhabitants of the Town of Newbury Port join in the expense of erecting and furnishing said Hospital, [It is] further resolved, that no preference be given to the Inhabitants of the Town of Newbury but that the Inhabitants of the Town of Newbury Port have equal right to admission into said Hospital with the Inhabitants of the Town of Newbury &c &c. ‡

* Town of Newbury Records.

† Province Laws, vol. v., pp. 554, 653.

‡ Massachusetts Archives (Court Records), vol. xxviii., p. 489.

Subsequently, the report that several persons had been inoculated for small-pox at the house of Mr. Josiah Little created considerable excitement; and, June 8, 1778, a committee was chosen, and instructed to prosecute any person who had aided or assisted in communicating the disease at the time and in the manner designated. The committee was also directed to prosecute any doctor "that shall attend said persons or administer medicine to any of them contrary to law." *

How long the hospital on Kent's island was used for the accommodation of patients who desired to be inoculated with small-pox is uncertain. On the twenty-second day of August, 1778, a petition was presented to the General Court, asking that the practice might be discontinued in Newbury.

Ten or fifteen years later Newburyport built and maintained a hospital in the common pasture, where persons voluntarily inoculated with the virus of small-pox were allowed to remain, under the care of experienced physicians, until fully recovered.

WOOLLEN FACTORY AT BYFIELD.

In 1793, William Bartlet, Benjamin Greenleaf, and other Newburyport capitalists became interested in a plan, proposed by John and Arthur Schofield, two Englishmen who came to Newburyport that year, for manufacturing blankets and other woollen goods by machinery.

January 29, 1794, Benjamin Greenleaf, Philip Aubin, William Bartlet, Richard Bartlett, Offin Boardman, jr., Moses Brown, David Coffin, William Coombs, John Coombs, Mark Fitz, Abel Greenleaf, John Greenleaf, Andrew Frothingham, Michael Hodge, Nicholas Johnson, Nathaniel Knapp, Peter Le Breton, Joseph Moulton, Theophilus Parsons, Ebenezer Wheelwright, Edward Wigglesworth, and others were incorporated as "The Proprietors of the Newburyport Woollen Manufactory." †

As water power was needed to move the machinery, the proprietors by their agent purchased of Paul Moody, of New-

* Town of Newbury Records.

† Special Laws, State of Massachusetts, Acts of 1794.

bury, March 26, 1794, about six acres of land partly covered with water, on both sides of the Falls river, in Byfield parish, also a grist-mill on the premises, with all its privileges, and there erected a factory suitable for manufacturing purposes.* The carding-machines used in the factory were made by the Schofield Brothers in Newburyport, and the other machinery by Messrs. Guppy & Armstrong, of the same town.

It is said that the company was the first one incorporated for the manufacture of woollen goods in the United States. It was not successful, however, financially. In 1803, the original shareholders sold their stock to William Bartlet; and in 1804 he sold the property to John Lees, an Englishman, who converted it into a factory for the manufacture of cotton cloth.†

August 24, 1824, the property was sold at public auction to Gorham Parsons, of Brighton,‡ who conveyed it, May 29, 1826, to Paul Moody of Lowell.§ April 16, 1832, the heirs of Paul Moody reconveyed the property to Gorham Parsons,|| who leased it for a term of seven years to William N. Cleaveland, of Newbury, and Solomon Wildes, of Boston, "partners in trade and manufacturers under the firm name of William N. Cleaveland & Co."¶ August 2, 1842, Mr. Parsons sold the factory to Theophilus Parsons, of Boston,** who conveyed it May 12, 1846, to Moses Emery Hale and others, of Newburyport.††

May 20, 1848, Francis V. Noyes purchased the factory,‡‡ and subsequently leased it to Alfred Durant and to his brother, Rev. Henry Durant, who manufactured bedsteads and other household furniture there. It was destroyed by fire in 1859; and the land, "with several small buildings thereon," was sold to Daniel Lunt, of Newbury, March 3, 1860,§§ who con-

* Essex Deeds, vol. civii., leaf 153. The land upon which this factory was erected was granted by the town of Newbury in 1636 to John Spencer and Richard Dummer to build a grist-mill upon. November 10, 1710, Nathaniel Dummer sold to William Moody, grandfather of Paul Moody, all his right, title, and interest "in y^e River in y^e Township of Newbury called y^e Falls River which was granted unto my Grandfather M^r Richard Dumer by y^e s^d Towne of Newbury," with the land on which the saw-mill of Mr. Dummer then stood (Essex Deeds, vol. xxv., leaf 133). † Ibid., book clxxv., leaf 190. ‡ Ibid., book ccxxix., leaf 210. § Ibid., book cxli., leaf 69. || Ibid., book cclxiv., leaf 121. ¶ Ibid., book cclxiii., leaf 190. ** Ibid., book cccxxii., leaf 281. †† Ibid., book cclxviii., leaf 106. ‡‡ Ibid., book cccxcviii., leaf 72. §§ Ibid., book dciii., leaf 257.

veyed the property May 9, 1860, to Leonard A. Morrison and Horatio M. Howard.* On the first day of June, 1860, the land, including the water privilege, etc., was transferred to Leonard Morrison, of Methuen, who rebuilt the factory; and fitted it with machinery for the manufacture of cotton yarn.

Leonard Morrison died April 26, 1875; and Leonard Morrison died previous to February 10, 1880. Amanda Savage, guardian of William H. Morrison and Ina B. Morrison, minors, "children of Leonard A. Morrison, late of Newburyport," sold May 4, 1880, three undivided fourth parts, and Henry P. Chaplin and others, of Georgetown, sold one undivided fourth part of the factory at Byfield, including the mill privileges and water power, to James A. C. Whittier and Hugh U. Ewing, of Boston.†

Mrs. Lizzie M. Adams, wife of George W. Adams, conveyed all her right, title, and interest in the property to Messrs. Whittier & Ewing, April 26, 1880.‡ James A. C. Whittier sold his one undivided half of the land, buildings, water power, etc., to Hugh U. Ewing, of Boston, March 17, 1886.¶

C. A. E. Ewing and Hugh Ewing, copartners under the firm name of Hugh U. Ewing & Co., purchased the property July 9, 1892,¶ and August 3, 1893, made an assignment, for the benefit of their creditors, to Henry A. Goring, trustee,** who sold the buildings, water privileges, etc., December 8, 1893, to Jacob F. Brown, of Brookline. The same day Mr. Brown gave a deed of the property to Samuel Williams,†† who sold one undivided half December 25, 1894, to Alfred S. Williams.‡‡ On the second day of July, 1895, Samuel and Alfred S. Williams conveyed all their right, title, and interest in the land and the buildings thereon to the Byfield Woollen Company, the present owners.§§

* Essex Deeds, book dcix., leaf 179. † Ibid., book dclii., leaf 99. ‡ Ibid., book mxxv., leaves 3 and 4. § Ibid., book mxxv., leaf 261. ¶ Ibid., book mclxix., leaf 234. ¶ Ibid., book mcccxliz., p. 1. ** Ibid., book mcccxliz., p. 501. †† Ibid., book mcccxcvii., p. 1. ‡‡ Ibid., book mcccxliz., p. 307. §§ Ibid., book mclxv., p. 133.

SALT WORKS.

The tax imposed by Parliament in 1767 on paper, glass, tea, and other articles of merchandise imported into the province of Massachusetts was regarded as burdensome and unjust. September 19, 1768, the legal voters of Newburyport elected Benjamin Greenleaf delegate to a convention to be held in Boston for consultation and conference in regard to the measures that should be adopted to stop the importation of merchandise from England.*

The merchants and traders of Newbury and Newburyport were in the habit of importing large quantities of salt from Great Britain at that date. In order to promote and encourage its manufacture and provide an adequate supply for home consumption, the inhabitants of Newburyport, immediately after the election of Benjamin Greenleaf at the town meeting held September nineteenth, "Voted to exempt Capt James Hudson from the payment of Town, County and Province taxes for 1767 and 1768, in answer to his petition, for encouragement to go on with his salt works." *

At a meeting of the inhabitants of Newbury, held on the fourteenth day of March, 1768-9, a petition from Capt. James Hudson was presented, asking for a loan of one hundred pounds for two or three years. The amount of the loan and the time fixed for its repayment were discussed at some length, and aroused some opposition; but at the close of the debate it was unanimously voted, "that the town will let out to Cap^t James Hudson a certain sum of money to Enable him to Carry on his salt works." †

September 4, 1769, the town of Newburyport voted to approve the agreement made with the merchants and traders of Boston in regard to the importation of goods from Great Britain; and September 19, 1769, the town of Newbury voted to give Capt. James Hudson, of Newburyport, the sum of twenty pounds to enable him to carry on and complete his salt works. ‡ Eight pounds were also appropriated by the town of Ipswich "to assist James Hudson to carry on the salt works he has lately erected." ‡

* Town of Newburyport Records, p. 125.

† Town of Newbury Records.

‡ Felt's History of Ipswich, p. 98.

The manufacture of salt at that date was a slow and difficult process. Sea water was evaporated by means of large boilers, under which fires were kept burning night and day. After the close of the Revolutionary war improved methods of making salt were introduced. Water-tight vats, twenty feet square and ten or twelve inches deep, were so arranged that water could be pumped from the ocean by means of a windmill into the first vat, and then conducted, after sufficient exposure to the heat of the sun, to a second vat, and then to a third and fourth, until a strong brine was formed and crystals of salt appeared.

In 1830, a Frenchman by the name of Gilshenon, with a few Newbury and Ipswich men who were interested with him, commenced the manufacture of salt at the southerly end of Plum island. He bought two hundred and fifty acres of land, laid out and dug a canal about one-third of a mile long, eight feet wide, and ten feet deep, which he connected with twenty-eight vats that were supplied with water pumped from the canal by means of windmills. He constructed also an overshot wheel, fifteen feet in diameter and five or six feet in width, which was made to revolve by the strong and vigorous efforts of a large bull, walking in treadmill fashion, within the wheel, which was suspended in an upright position from a heavy wooden frame. On the outer rim of this revolving wheel shallow buckets were attached that lifted the water from the canal into the vats on calm, still days, when the windmills were unable to do the work.*

The business was not a financial success; and the property, consisting of eighty acres of upland, one hundred and seventy-five acres of salt marsh, two dwelling-houses, two barns, "with a dam across a creek running through the place by means of which with but little expense a good water power may be obtained," "also six wind mills with pumps and apparatus entire," was advertised February 20, 1832, to be sold by George W. Heard, of Ipswich. It was probably purchased by Francis J. Oliver, of Boston, who conveyed it September 22, 1834, to Daniel Dole, of Ipswich.†

* Historical Address by Mr. Philip D. Adams (*Newburyport Daily News*), October 26, 1902.

† Essex Deeds, book cclxxviii., leaf 6a.

MANUFACTURE OF NAILS AND BRADS.

The manufacture of cut nails and brads was begun in Newbury in 1795. Jacob Perkins, son of Matthew and Jane (Dole) Perkins, of Newburyport, was the inventor of a machine for cutting and heading nails, for which he was granted a patent January 16, 1795. He became acquainted with Samuel Guppy, of New York, and John Warren Armstrong, of Boston; and with their aid and assistance he produced at Byfield the first nails that were cut and headed at one operation, in America.*

In the *Impartial Herald*, November 24, 1795, the proprietors, "Messrs Guppy & Armstrong and Jacob Perkins, inventor," announce that they have three machines in operation "at Byfield six miles from Newburyport," and will have a supply of brads and nails for sale within two weeks, "much superior and twenty per cent cheaper than imported nails."

On the day that this announcement was made in the *Herald*, Ebenezer Stocker, Abraham Wheelwright, and Ebenezer Wheelwright, directors of the Newburyport Woollen Manufactory, conveyed to Jacob Perkins a lot of land with a corn-mill thereon in Amesbury, "Commonly called Waits Mill."† The power needed for driving the nail machinery was secured by the purchase of this mill, then standing on the south bank of the Powow river; and early in the spring of 1796 the manufacture of nails in Byfield was discontinued, and the machinery removed to the mill or factory in Amesbury.

ALMSHOUSE.

April 4, 1808, the town of Newbury voted to purchase the house, barn, and about seventeen acres of land, formerly owned and occupied by Rev. Matthias Plant, at or near the corner of the road leading to Amesbury ferry and the way to Essex Merrimack bridge, now Spofford street, Newburyport. This property was placed under the care of the overseers of

* *The Essex Antiquarian*, vol. II., pp. 69-74.

† *Essex Deeds*, vol. clxiv., leaf 95.

the poor, and for many years was made serviceable and useful as an almshouse and town farm.*

At a meeting held March 17, 1828, the legal voters of the town authorized the purchase of a farm in Byfield, owned by Enoch Moody, "containing two hundred acres of land more or less with the buildings thereon," to be placed under the care and control of the overseers of the poor; and April 7, 1828, they ordered that all persons receiving aid from the town should be removed to the town farm, and that all the stock and agricultural implements needed to carry it on successfully should be provided forthwith.†

On the sixteenth day of May, 1829, "the former Poor Establishment owned by the town of Newbury and known by the name of the Plant Place" was sold to Elias Jackman;‡ and after that date all persons dependent upon the town for assistance were supplied with food and shelter at the farm in Byfield parish.

February 2, 1852, the inhabitants of Newbury voted to sell the town farm (at Byfield), and appointed a committee to make the necessary arrangements and attend to the sale of the property.§ March 29, 1852, the overseers of the poor were authorized, "in case the town farm is not speedily sold, to lease the same for the ensuing year."§ April 30, 1852, Daniel Lunt, treasurer of the town of Newbury, conveyed to Calvin Noyes "about one hundred and eighty acres of land with all the buildings thereon, formerly owned by Enoch Moody"; || and, February 7, 1874, a supplementary deed, confirming and perfecting the title from the town of Newbury to Calvin Noyes, was recorded.¶

Since the sale of the almshouse and the farm at Byfield, all persons dependent upon the town for support have been pro-

* Essex Deeds, vol. clxxxv., leaf 69. Anthony Davenport, of Newburyport, for two thousand dollars, sold, April 14, 1808, to Thomas Hale, treasurer of the town of Newbury, in trust for said town, about fifteen acres of land, with dwelling-house and other buildings thereon, bounded as follows: beginning on the westerly corner of the road leading from the road to Amesbury ferry to Deer Island bridge, thence northwesterly by the road leading to Amesbury ferry, thence northeasterly by land of David Jackman and others, thence southeasterly by land of Joseph Jackman, thence southwesterly by the road first named, to the bounds begun at.

† Town of Newbury Records: also, Essex Deeds, vol. cxxlviii., leaf 107.

‡ Essex Deeds, vol. ccxlviii., leaf 96.

§ Town of Newbury Records.

|| Essex Deeds, book dclxv., leaf 25.

¶ Ibid., book dcccxlvi., leaf 184.

vided for in private families by the payment of a fixed sum for board and clothing.

THE INCORPORATION OF THE TOWN OF WEST NEWBURY.

As early as March 30, 1777-8, a petition was presented to the town of Newbury, asking that all the territory on the westerly side of Artichoke river to the Bradford line might be set off and made a separate township.

... begining at the mouth of Artichoak river running southerly by said river to Littles meadow and from thence on a straight line to the bridge in the road near John & Stephen Browns, and from the bridge by the brook to the South Way, then running by the northerly side of the South Way to Johnsons corner, so called, and from thence on a straight line to a white oak marked tree, the bounds between Newbury, Rowley & Bradford, and from thence on Bradford line to Merrimack river and by Merrimack river to the mouth of the Artichoak river, the bound first mentioned.*

The prayer of the petitioners was at first favored by a majority of the legal voters of the town; but, after further consideration, the subject was indefinitely postponed.

February 19, 1793-4, a committee was chosen to see what terms and conditions could be made, "provided the inhabitants of Newbury agree to set off the three northwesterly parishes," and petition the General Court, at its next session, to incorporate the said parishes as a separate and distinct town. On the seventh day of April, Col. Samuel Gerrish, Stephen Hodge, Esq., and Mr. Stephen Brown were authorized and instructed to prepare and present a petition asking the General Court to consent to the incorporation of the new town. This action, however, was reconsidered on the twenty-third day of April; and on the fifth day of June another attempt to set off and organize a new town "on the northerly side of a line begining on the Merrimack river and running by a way, now known as Oakland street (at that time the dividing line between Newbury and Newburyport), to a marked stone in common pasture, thence in a westerly direction to the

* Town of Newbury Records, (1731-83) p. 374.

Bradford line, and by said line to the Merrimack river, and thence easterly by said river to the bounds first named," was defeated by a vote of 216 opposed to 145 in favor of the measure.*

No further action was taken until June 11, 1818, when the inhabitants of Newbury were again asked to give their consent to a division of the town on substantially the same lines as had been previously proposed; but the opponents of the measure, after a long and fierce struggle, were able to defeat it.*

A few months later, however, Samuel Woodman and others presented a petition to the General Court, asking that all the territory between the mouth of the Artichoke river and the Bradford line, within the limits of the Second and Third (formerly the Fourth) parishes, might be set off and incorporated as a separate town; and November 2, 1818, at a meeting of the legal voters of Newbury, the representatives of the town were instructed to oppose the petition, and prevent, if possible, any further consideration of the subject.*

Although active and vigorous measures were adopted to counteract the earnest and determined efforts of the petitioners, the General Court, after a prolonged hearing, passed February 18, 1819, "An act to incorporate the town of Parsons"; † and March 9, 1819, the legal voters of Newbury elected Josiah Little, Esq., Silas Little, Esq., Moses Little, Esq., Jacob Gerrish, Esq., and Mr. Eben Pearson a committee to adjust the debts and make a settlement with any committee that may be appointed by the inhabitants of the town of Parsons.*

Subsequently, a change in the name of the new town was made by an act of the General Court, passed June 14, 1820, providing that "the said town shall hereafter be called and known by the name of West Newbury." ‡

* Town of Newbury Records.

† This act is printed in full on p. 1863, vol. ii., *History of Essex County*, J. W. Lewis & Co., publishers.

‡ *History of Essex County*, J. W. Lewis & Co., publishers, vol. ii., p. 1864.

WATER SUPPLY FOR MANUFACTURING PURPOSES.

In 1844, the James Steam Mill, for the manufacture of cotton goods, was erected in Newburyport. During the following year, Gen. Charles. T. James, Charles J. Brockway, Esq., and other prominent citizens petitioned the General Court for an act of incorporation to enable them to erect and maintain a bleachery in the town of Newbury, and also to provide an adequate supply of water for manufacturing and domestic purposes.

The original plan of the petitioners contemplated the erection of a bleachery at Bartlett springs and the laying of pipes through the streets of Newbury and Newburyport for the purpose of supplying both towns with pure water. A committee, appointed by the inhabitants of Newburyport to examine the plan and make such suggestions and recommendations as they considered advisable, reported in favor of granting the prayer of the petitioners; and February 13, 1846, the town voted to give its consent to the incorporation of the company by the General Court. The estimated cost of the bleachery and water-works, however, rendered some modification of the plan necessary; and after further consideration a new source of supply was agreed upon, and incorporated in the act passed March 7, 1846.

At a town meeting held February 13, 1846, the inhabitants of Newbury voted to favor the prayer of the petitioners, and, also, voted to allow the company, when organized, to lay water pipes, under certain restrictions, through the principal streets of the town.* On the seventh day of March, 1846, the General Court passed an act incorporating "The Newbury Spring Bleaching Company";† and the town of Newbury voted, August 1, 1846, "to grant the James Steam Mill Company the privilege of laying a water pipe along High street, from the head of State street to Federal street, upon condition that the town have the right to put in fire plugs, at its own expense, in such places as it may think proper." *

Land on the southwesterly side of Oak Hill cemetery,

* Town of Newbury Records.

† Acts and Resolves for 1846, chap. 85.

with a small pond adjoining, was purchased, a pumping station erected, and water for extinguishing fires and for manufacturing purposes was conveyed in pipes down the turnpike, now State street, Newburyport, to High street, thence to Federal street, down Federal to Ann, now Atwood street, thence through Purchase to Charles street, and thence to the James Steam Mill, Newburyport, now owned by the Peabody Manufacturing Company. Sixty-four hundred feet of iron pipe was laid, at a cost of ten thousand dollars, and the work completed previous to December 1, 1846.*

Subsequently, the pipe at the corner of Ann and Federal streets, Newburyport, was connected with the property now owned by the Peabody Manufacturing Company, on Federal street, formerly known as the Globe Steam Mills.

ANNEXATION OF A PART OF NEWBURY TO NEW-BURYPORT.

Although the town of Newbury after the incorporation of Newburyport in 1764, and West Newbury in 1819, was greatly reduced in population as well as in taxable property, repeated attempts were made to still further reduce the area and population of the town by many persons, residing within its limits, who were engaged in mercantile or commercial pursuits, and, therefore, not in full sympathy with the farmers, who practically controlled the administration of municipal affairs.

Mr. Ebenezer Wheelwright and several other prominent merchants of Newbury earnestly advocated the adoption of a plan that would, if accepted, take a narrow strip of land on the westerly side of High street, "with the dwelling-houses thereon," and make it a part of Newburyport. The subject was brought to the attention of the General Court; and an order of notice was served on the inhabitants of Newbury, April 23, 1821, to appear and make answer to the prayer of the petitioners. At a town meeting held on the twenty-second day of May a committee was appointed to attend the

* Newburyport Herald, December 1, 1846, and January 26, 1847.

hearing, and oppose any further division of the town.* The General Court, after a full and careful consideration of the subject, granted the petitioners "leave to withdraw."

Seven years later the inhabitants of Belleville parish, formerly the Fifth parish, desired to be set off and incorporated as a separate town; and March 17, 1828, the legal voters of Newbury consented to the proposed plan of separation, and agreed to set off all the territory on the westerly and northwesterly side of a line beginning on Merrimack river, at or near the foot of North street, thence on the line of Newburyport to the bound stone in the common pasture, and thence on a straight line to West Newbury.* On the seventh day of April the selectmen were authorized to confer with the inhabitants of that part of Newbury included within the bounds and limits of the proposed new town, and agree, if possible, upon the terms and conditions of separation.*

The opponents of the plan, however, were active and persistent in their efforts to defeat it. On the eighth of May, 1828, Mr. Ebenezer Wheelwright and others presented a petition asking that a part of Newbury, "Begining at the Bound Stone in the Common Pasture, between the towns of Newbury & Newburyport thence on a straight line to the most Eastwardly corner of West Newbury, thence on a straight line to Plumb Island Bridge, thence on the same straight line to the Sea, thence by the Sea and Merrimack River to the most Eastwardly bound of Newburyport, thence by Newburyport line to the first Bound,"* might be set off and annexed to Newburyport. The legal voters of the town declined to grant the prayer of the petitioners, and, December 15, 1828, voted to oppose the petition of Mr. Ebenezer Wheelwright at the General Court, and favor the petition of Mr. Henry Merrill and other inhabitants of Belleville parish to be set off as a town by themselves.* The committee on towns, to whom both petitions had been referred, reported January twenty-ninth; and February 5, 1829, their report was accepted, "granting the petitioners leave to withdraw."†

Three years later, another attempt was made to set off all

* Town of Newbury Records.

† Massachusetts Archives (Journal of the House of Representatives, vol. xlix.).

the land on the easterly side of a line begining at the bound stone in the common pasture, and extending southeasterly to Plum island bridge, and thence to the sea. December 29, 1831, the town of Newbury voted to favor the petition of Mr. John Wills and others, and also voted to give its consent to the separation asked for "on such terms and conditions as the General Court may establish." *

On the fourth day of January following, the subject was again under consideration; and a motion to choose a committee to attend the General Court and oppose the prayer of the petitioners was carried by a vote of 174 in favor to 152 against the measure.* April 9, 1832, John Merrill, Esq., Moses Little, Esq., and Daniel Adams, 3d, Esq., were appointed to defend the interests of the town and protest against any farther consideration of the petition of John Wills and others. February 11, 1832,* the General Court granted the petitioners "leave to withdraw."

November 19, 1834, the town of Newbury was notified that Mr. Roger S. Howard and others had filed a petition praying that all persons residing within certain bounds and limits named in said petition might be set off and annexed to the town of Newburyport. A committee was appointed to confer with the petitioners and induce them, if possible, to make some concessions in regard to the proposed division of the town.*

This committee reported December 10, 1834, that the division lines asked for by the petitioners, though to some extent indefinite and uncertain, were substantially the same as those named in the petition of 1832. Instead of dividing the town, as requested, the committee recommended that Newbury and Newburyport should be again united; and a committee, consisting of John Merrill, Moses Little, John Chickering, Jacob Gerrish, and Daniel Plumer, was appointed to confer with the town of Newburyport and endeavor to bring about the desired result.* The conference was held, but the plan of reunion was defeated after an animated discussion by the legal voters of Newburyport.

* Town of Newbury Records.

A few years later another attempt was made by Ebenezer Wheelwright and others to induce the General Court to set off a portion of the town of Newbury to be annexed to the town of Newburyport. January 4, 1843, a committee was appointed to oppose the prayer of the petitioners.* After a prolonged hearing the subject was referred, February 28, 1843, to the next General Court.

February 13, 1846, the petition of John Porter and others to the General Court, asking that Newbury and Newburyport might be made one town, was under consideration; and the town of Newbury voted, 191 to 134, not to favor the plan proposed by the petitioners.* But on the twenty-third day of February a committee, consisting of Micajah Lunt, Daniel Plumer, Josiah Little, Daniel Noyes, Enoch Hale, Stuart Chase, and John Currier, jr., was chosen "to consider the expediency of uniting the towns of Newbury and Newburyport." This committee reported March 2, 1846, in favor of the measure; but the legal voters declined, by a vote of 176 to 235, to adopt the recommendation of the committee.

January 4, 1847, the town of Newbury voted to consent, upon such conditions as the General Court may impose, to the passage of an act providing that the territory and inhabitants within the following described lines may be set off and annexed to the town of Newburyport, namely:—

Beginning at the line of Newburyport on the South Westerly side of High street near the Newburyport Turnpike, thence Southeasterly by the Southerly side of High street to a point opposite the head of South street; thence in a direct line to the most Southerly bend in the Plum Island Turnpike and parallel therewith to the ocean; thence by the ocean and Merrimack River to the line of Newburyport.*

Mr. Abner Keniston and others, having petitioned the General Court "to set off that part of the town called Belleville," the inhabitants of Newbury voted, February 8, 1850, not to oppose the petition.* The General Court, however, declined to grant the prayer of the petitioners; and the following year William Goodwin and others presented a similar request, and Moses Pettingell and others, in behalf of the in-

* Town of Newbury Records.

habitants residing between South (now Bromfield street) and Marlborough streets, asked to be annexed to Newburyport.

March 11, 1851, the town agreed to favor the passage of an act by the General Court providing for the annexation of a portion of Newbury to Newburyport, and voted to appoint a committee to adjust the line of separation and make arrangements for an equitable division of the town property. The bounds and limits agreed upon included all the territory on the westerly side of Newburyport to the Artichoke river, and a large tract on the easterly side, extending to the light-keeper's house on Plum island. These bounds are given in detail in the first section of "An Act to Annex a Part of the Town of Newbury to the town of Newburyport," approved by his Excellency George S. Boutwell, governor of the commonwealth of Massachusetts, April 17, 1851.*

Since that date there has been no change in the territorial bounds and limits of the town of Newbury. The northern boundary line runs from the point marked A, on the Map, on the next page, to B; thence to C, D, E, F, and G. The dividing line between Newbury and Georgetown runs from G to H, and the line between Newbury and Rowley from H to I, and thence to the point marked J on Plum island.

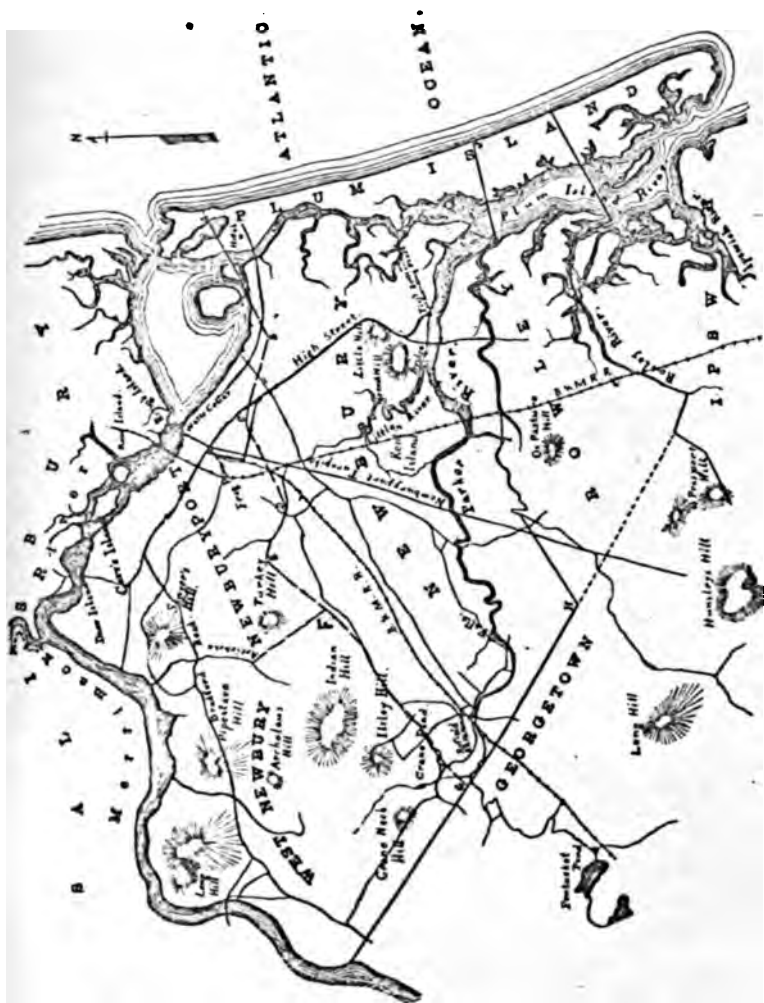
SILVER MINES.

In 1874, traces of silver ore were found in a few scattered rocks lying on the surface of a pasture owned by Mr. Richard Jaques, in the vicinity of the "Birchen meadow," not more than one hundred and fifty or two hundred rods in a southeasterly direction from the oak-tree now standing in the "Gerrish pasture," to which reference is made on page 130.

The mineral deposits of that neighborhood were carefully analyzed, and in 1875 "The Chipman Silver Mining Company" was organized to make further explorations and devise ways and means for a thorough and systematic development of the property.†

* Acts and Resolves for 1851, chap. 54.

† Newburyport Herald, May 27, 1875.



Workshops were erected, steam drills and pumping machinery provided, and a shaft forty feet deep was sunk through solid rock, exposing, according to the report of experts, rich veins of lead and silver. Excavations in other parts of the town were made with gratifying results. Land that had been almost worthless was eagerly bought or bonded at fabulous prices. The excitement reached its height when the schooner "Nadab" was chartered to take a cargo of ore to New York to be smelted and assayed. June 2, 1875, the last few loads needed to make up the cargo, on the way from the mines, were met at the junction of Auburn and Pond streets in Newburyport, and escorted down State street to Commercial wharf by a procession of citizens carrying flags and banners, accompanied by a military band playing the popular airs of the day.

The reports received several months later from this cargo of ore were somewhat conflicting and discouraging; but the directors of the mining company were hopeful, and continued operations with more or less activity during the following season. The business, however, was found to be unprofitable and work at the mines was temporarily suspended. At intervals during the next two or three years attempts were made by the introduction of new machinery to increase the production of crude ore, and reduce the cost of taking it from the mines; but the results were not satisfactory. In 1880, the machinery was sold, and the attempt to establish silver mining in Newbury was abandoned.

ANNIVERSARY CELEBRATIONS.

The first centennial anniversary of the settlement of Newbury was, according to tradition, "duly noticed in the front yard of Colonel Joseph Coffin's house," in 1735.

The second centennial was celebrated May 26, 1833. Public exercises were held in the meeting-house of the First Religious Society on Pleasant street, Newburyport; a dinner was served in a temporary pavilion erected on land near the Newbury town-house, now included within the

limits of Oak Hill cemetery, Newburyport. Interesting and eloquent speeches, appropriate to the occasion, were made by Hon. Edward Everett, Hon. Robert C. Winthrop, Hon. Caleb Cushing, Hon. George Lunt, and other distinguished guests who were present.

On the tenth day of June, 1885, the two hundred and fiftieth anniversary was celebrated, under the direction of the Historical Society of "Ould Newbury," in city hall, Newburyport. A chorus of male and female voices, led by Mr. Norman McLeod, accompanied by an orchestra of skilled musicians, rendered several appropriate selections. An original ode by Mrs. Louisa P. Hopkins was read; and Rev. Samuel Colcord Bartlett, president of Dartmouth College, delivered an able historical address.

At the close of the exercises in the hall, dinner was provided for over one thousand guests in a spacious tent erected on vacant land on High street, near the head of Bromfield street, Newburyport. Brief after-dinner speeches from men prominent in the social or political life of "Ould Newbury" occupied the time and attention of the assembled company until seven o'clock P.M.

In the evening a reception or levee was held at the city hall where many citizens from Newbury and the neighboring towns gathered to listen to the music of a small but well-trained orchestra, to greet old friends and acquaintances, and to examine the large and valuable collection of paintings loaned for that occasion and hung for that day and evening on the walls of the common council chamber. *

* Report of the Celebration of the Two Hundred and Fiftieth Anniversary of the settlement of Newbury, published in 1885.

CHAPTER VI.

CHURCHES AND PASTORS.

TRADITION asserts that Rev. Thomas Parker preached his first sermon in Newbury under the branches of an oak-tree that stood on the north bank of the Quascacunquen (Parker) river; that a covenant to walk together according to the precepts of the gospel, in brotherly love, was agreed upon at the close of the sermon; that Rev. Mr. Parker was chosen pastor, and that other church officers were then elected, "ye members expressinge their voats therein by lifting up the hande." *

Thomas Parker was the only son of Rev. Robert Parker, an eminent clergyman of Wiltshire, England. He came to Boston in 1634, in the ship "Mary and John," with his cousins Nicholas Noyes and Rev. James Noyes.† During the following winter he was at Agawam, now Ipswich, Mass., and organized a company there for the settlement of Newbury, on the Quascacunquen river, to which place he removed with a few personal friends and acquaintances in the spring of 1635.‡

Rev. James Noyes, assistant pastor, or teacher, of the church, was the son of Rev. William Noyes, who married Anne, sister of Rev. Robert Parker.§ He came to America in 1634 with his wife, Sarah Brown, eldest daughter of Joseph Brown, of Southampton, in the same ship with his cousin Rev. Thomas Parker. He preached for a year at Watertown, and came to Newbury in 1635.

* Coffin's *History of Newbury*, p. 17.

† *New England Historical and Genealogical Register*, vol. ix., p. 267.

‡ "At this general court [May, 1635] some of the chief of Ipswich desired leave to remove to Quascacunquen to begin a town there, which was granted them, and it was named Newberry." (*Winthrop's History of New England*, edition 1853, vol. i., p. 191.)

§ Mather's "Magnalia," edition 1853, vol. i., p. 481.

The statement that Rev. William Noyes married Anne Stephens, daughter of Nicholas Stephens, printed on page 165, "Ould Newbury," is probably incorrect.

Nicholas Noyes, who came with his brother, Rev. James Noyes, to Boston in 1634, evidently returned to England in 1638, and came again to America the next year, bringing Anthony Somerby with him (*New England Historical and Genealogical Register*, vol. xix., p. 411).

The Temple measured:

O. R.,

A brief Survey of the *Temple mystical*,

Which is the Instituted

CHURCH of CHRIST.

Wherein are solidly and modestly discussed,

Most of the material Questions touching the
Constitution and Government of the Visible
Church Militant here on Earth.

Together with

The solution of all sorts of OBJECTIONS which
are usually framed against the Model and Platform of Ecclesi-
astical Policy, which is here asserted and maintained.

In particular here are debated,

The points of so much Controversie, touching
the Unity of the Church, The Members of the
Church, The Form of the Church, and Church Covenant,
The Power of the Church, The Officers of the Church,
and their Power in Church-Government, The Power of
Magistrates about the Church, and some Church Acts,
as Admission of Members, and other things set
down in the Table before the Book.

By JAMES NOYES Teacher of the Church at
Newbery in New England.

L O N D O N :

Printed for EDMUND PAXTON, and are to be sold at his Shop in *Pauls*
chain, over against the Castle Tavern near to the Doctors
Commons. 1647.

He was a strong and vigorous supporter of ecclesiastical rights and privileges, and published "The Temple Measured," a book devoted mainly to the discussion of questions relating to church government. From a copy of this book, now in the Boston Public Library, a photograph of the title-page is here reproduced. As a specimen of typographical art connected with the early history of Newbury, it cannot fail to interest the reader.

The first meeting-house in Newbury was probably erected on or near the three acres of land afterwards sold to John Emery, from which twenty rods were reserved "for a burying place as it is bounded with stakes with a way to it from the street." *

The church was composed of earnest and devout men and women, who were evidently more liberal in their views of church fellowship and discipline than the inhabitants of other towns in the colony of Massachusetts Bay. Thomas Lechford, "an attorney and solicitor of Clements Inne, in the county of Middlesex, England," after a residence of three or four years in Boston, Mass., wrote and published in London, in 1642, "Plain Dealing or Newes from New England," in which he says: "Of late some Churches are of opinion that any may be admitted to Church fellowship, that are not extremely ignorant or scandalous: but this they are not very forward to practice except at *Newberry*."

In 1643, there was an assembly of all the churches of the colony at Cambridge. "The principal occasion was because some of the elders went about to set up some things ||according|| to the presbytery, as of Newbury, etc. The assembly concluded against some parts of the presbyterial way, and the Newbury ministers took time to consider the arguments, etc." †

In all essential particulars, however, the inhabitants of Newbury conformed to the order of public worship established at Boston and elsewhere, except that for many years they assembled at the beating of a drum or the raising of a flag instead of the "wringing of a bell."

* "Ould Newbury," pp. 16 and 24.

† Winthrop's History of New England, edition 1853, vol. II., p. 165.

Every Sabbath or Lords day, they come together at Boston, by wringing of a bell, about nine of the clock or before. The Pastor begins with solemn prayer continuing about a quarter of an houre. The Teacher then readeth and expoundeth a Chapter: Then a Psalm is sung, which ever one of the ruling Elders dictates. After that the Pastor preacheth a Sermon, and sometimes *ex tempore* exhorts. Then the Teacher concludes with prayer, and a blessing.

Once a moneth is a Sacrament of the Lords Supper, whereof notice is given usually a fortnight before, and then all others departing save the Church, which is a great deale less in number than those that goe away, they receive the Sacrament, the Ministers and ruling Elders sitting at the Table, the rest in their seats, or upon forms: . . . Then a Psalme is sung, and with a short blessing the congregation is dismissed. . . . About two in the afternoone, they repaire to the meeting-house againe: and then the Pastor begins, as before noone, and a Psalme being sung, the Teacher makes a Sermon. He was wont, when I came first, to reade and expound a Chapter also before his Sermon in the afternoon. After and before his Sermon, he prayeth.*

Then came the baptism of children and the gathering of money or goods for the maintenance of the minister or the support of the poor of the church, "one of the Deacons saying, Brethren of the congregation, now there is time for contribution, wherefore as God hath prospered you, so freely offer."

This done, then follows admission of members, or hearing matters of offence, or other things, sometimes till it be very late. If they have time, after this, is sung a Psalme, and then the Pastor concludeth with a Prayer and a blessing.†

The removal of the inhabitants of Newbury from Parker river to the "new town" on Merrimack river led to a prolonged discussion in regard to the removal of the meeting-house. It was ordered to be taken down and a new one set up on or before the twentieth day of October, 1647, "in or upon a knowle of upland by Abraham Toppans barne."‡

The land upon which this second house of worship stood now forms a part of the burying-ground near the "trayneing green" in the First parish of Newbury. There were no pews on the floor of the house or in the gallery, but seats or

* Lechford's "News from New England," pp. 16, 18. † Ibid., p. 19.
‡ "Ould Newbury," p. 99.

benches were provided; and January 24, 1651, the selectmen ordered "that every householder, both men and women, shal sit in those seats that are appointed for them during their lives."

September 21, 1654 it was ordered that the Townes men select shal forthwith Examine & require an account of the money or goods that hath bin gathered to purchas a bell in whose hands it is & to make report to the towne.*

May 14, 1658, a committee was appointed by the inhabitants of Newbury to lay out to Mr. Woodman ten or twelve acres of marsh near Plum island, Mr. Woodman having agreed to pay for the same in boards or nails for the meeting-house.*

A more commodious building, dedicated to the public worship of God, was erected, early in the spring of 1661, on the southerly side of the old meeting-house, which was allowed to stand until the new one was completed. In June, seats were assigned to all the adult inhabitants of the town according to their social rank and condition. Into this new meeting-house Lydia (Perkins) Wardwell, wife of Eliakim Wardwell, of Hampton, N.H., came naked to answer the charge who accused her of teaching false doctrines and separating herself from the church. For this offence she was ordered to be severely whipped and pay the cost and fees of the court at Salem, May 5, 1663.†

A bell, probably purchased with the money gathered in 1654, served to call the inhabitants together on Sundays and lecture days. Elizabeth Webster was sentenced, in 1663, "to stand at the meeting house dore at Newbury the next lecture day from the ringing of the first bell until the minister be ready to begin prayer with a paper on her breast written in capital letters: FOR TAKING A FALSE OATH IN COURT."†

December 25, 1665, Anthony Morse was employed to ring the bell and also "to see that the meeting house be cleansed and swept and the glasse of the windows be carefully looked upon if any should happen to be loosed with the wind, to be nailed

* Town of Newbury Records.

† See *ante*, chap. iii., p. 124.

close again. . . . For this service he shall have £3, for every year."*

Rev. Thomas Parker officiated as pastor of the church, without an assistant or colleague, for six or seven years after the death of Rev. James Noyes in 1656.

Rev. John Woodbridge, who came to New England in the ship "Mary and John," with his uncle, Rev. Thomas Parker, was clerk of the town of Newbury from 1635 to 1638. In 1639, he married Mercy, daughter of Thomas Dudley, governor of the colony of Massachusetts Bay. He studied for the ministry while a school-teacher in Boston and was ordained pastor of the church organized at Andover, October 24, 1645. He returned to England in 1647 with his wife and family, and remained there sixteen years.†

In 1663, he came again to New England, and was elected assistant pastor of the church at Newbury, with a salary of thirty pounds for the first half-year.

October 26, 1664, "the towne voted that Mr. Parker should have but sixty pounds per year." This sum, however, was increased to eighty pounds a year, June 3, 1665; and the same day the annual salary of Rev. John Woodbridge was fixed at sixty pounds.*

At this time the inhabitants of Newbury were greatly disturbed by questions relating to the government of the church and to the exercise of ecclesiastical authority by Rev. Mr. Parker. They manifested in various ways their disapprobation of the doctrines taught by the pastor and his worthy colleague.

November 1, 1665 It was voted whether Mr. Woodbridge should be chosen by papers to preach to the towne for one year. There were four votes in the affirmative and thirty one blanks.*

At the same meeting it was voted: that Mr. Woodbridg should have the last spring Rate and that the Selectmen shall have power to make another Rate for this halfe yeare past of thirty pounds more.*

It was also ordered that Mr. Woodbridges Rates for the two years past shall be paid within two months after this day, and then the select-

Town of Newbury Records.

† His farm in Newbury was on the easterly side of "trayneing green." Capt. Benjamin Swett and his brother-in-law Nathaniel Weare had a lease of this farm for seven years, from 1655 to 1662. (See *New England Historical and Genealogical Register*, vol. vi., p. 50.)

men shall go to Mr. Woodbridge and see who hath not paid, and such as are delinquent the select men shall have power to summons them before the commissioners to recover it.*

During the long controversy that divided the church into two nearly equal parties the salary of Rev. Thomas Parker was regularly paid, but there was evidently a contest over the amount raised annually for the benefit of Rev. Mr. Woodbridge.

April 25, 1666 It was voted that Mr. Parkers four score pounds by the yeare should be continued to be paid to him yearely. And Mr Woodbridge to have sixty pounds a yeare till the Towne take further order.*

March 4, 1666-7 voted that Mr Woodbridge should have three score pounds for the yeare as he had formerly.*

March 2, 1667-8 Mr Woodbridge was voted by counting man for man, called over, to have sixty pounds a yeare for his preaching.*

May 21, 1670 It was voted that the order in the Towne booke that gives Mr Woodbridge three score pound a yeare for his preaching is made voyd.*

At a meeting of the selectmen held February 4, 1667-8, the seats in the meeting-house were rearranged and assigned to the members of the church according to their social rank and condition.

Daniel Lunt proposed for a seat for severall women [his wife and her sister Smith & John Kent, Jun. his wife . . . Peter Chenyes wife, John Lunts wife & John Poore, Jun. his wife] the Selectmen ordered that the 2 short seats neere [] should be for them to be made into one.*

Dec. 3, 1668 the selectmen granted Liberty to Nathaniel Clarke, Mr Edward Woodman, Benjamin Lowle, John Kelly & John Kent, Jun. to build a pew for their wives at their own charg: in the meeting house from the east end of the South gallery to the pulpit to be & remaine to them & their heirs forever.*

This pew was probably the first one built in the meeting-house at Newbury, and ultimately led to the building of others under the supervision of the selectmen. Seats or benches, however, were in general use; and new ones were occasionally provided for the accommodation of the inhabitants of the town. February 25, 1668, Richard Dummer,

* Town of Newbury Records.

Jr., Thomas Woodbridge, and fifteen or eighteen other persons were authorized by the selectmen to occupy certain specified seats, "provided that they do pay their equal shares & proportions for the building of them." *

John Woolcott and Peter Toppan were presented to the court held at Ipswich, April 28, 1669, "for disorderly going and setting in a seat belonging to others" in the meeting-house. For this offence they were admonished, and ordered to pay the costs of court.†

February 21, 1669-70, the selectmen ordered "that a paire of staires be made in the porch to go up & downe into the gallery." *

May 21, 1670, the inhabitants of the town voted to provide additional seats for the north and south galleries of the meeting-house; and a committee was appointed to see that the work was promptly done.

Notwithstanding the ecclesiastical difficulties that divided the church at this time, the number of worshippers was constantly increasing.

September 19, 1670 it was voted that the selectmen should have liberty to place such as wanted seats in the meeting house & to procure a bason for the church & to order Thomas Turvill to his kinsmans, also to be helpful to the poor.*

January 31, 1670-71, the selectmen authorized Caleb Moody, John Hale, Benjamin Rolfe, John Webster, Abel Somerby, Nathaniel Clarke, Percivall Lowle, Jonathan Woodman, Daniel Thurston, Benjamin Lowle, and John Swett to build at their own charge "a pew in the south east corner of the meeting house" to be assigned to them for the use of their wives and daughters.*

The ecclesiastical difficulties and dissensions that disturbed the church for nearly twenty-five years culminated in an appeal to the county court in 1669 and to the Great and General Court in 1671.‡ Mr. Edward Woodman was accused of publicly denouncing Rev. John Woodbridge as a preacher

* Town of Newbury Records.

† Ipswich Court Records, vol. II., p. 94.

‡ For a full and detailed account of this prolonged controversy see Coffin's History of Newbury, pp. 78-112.

retained in the church by craft and subtilty and Rev. Mr. Parker "as an apostate and backslider from the truth," who would set up a prelacy, and, though unsupported by a council of cardinals, would exercise more power than the pope.

From the evidence presented to the court it appears that Mr. Woodman was interrupted in his speech, on the occasion referred to, by Capt. Gerrish, who made some reference to his gray hairs. Mr. Woodman in answer said, "Capt. Gerrish, my gray hairs will stand in any place where your bald head will stand."

After a careful examination of the evidence submitted, the following decree was entered upon the records of the court:—

MARCH 30, 1669.

Having heard the complaint presented to this Court agst Mr Edward Woodman do judge some passages relating to Mr Parker & Mr Woodbridge to be faulse and scandalous and that concerneing Cap^t Gerish, rep^tchfull, and p^rovoking and the whole gen^{ally} offensive, And hath therefore ordered that the sayd Mr Woodman shall be seriously & solemnly admonished and enjoyned to make a publike Confession at the next publike Towne or church meeting at Newbury of his sinfull expressions & just offence that he hath given or else to pay five pounds & to pay costs and fees.

I dissent from this sentence Samuell Symonds
And I dissent Wm Hathorne

Wee conceive the law allows not liberty to the members of this Court to enter their dissent in this Case, being a criminal case, & not properly concerneing religion or any other qualifecation mentioned in y^e law

SYMOND BRADSTREET DANIELL DENISON.

Mr Edward Woodman appealed from this Judgm^t to the next court of Assistants at Boston

He recognized in the sum of £20 with William Titcomb surety to prosecute his appeal and be of good behavior in meantime.*

A council composed of delegates from eight or nine churches was held in Newbury, November 5, 1669, to consider the questions involved in this unfortunate controversy, and settle, if possible, the differences that threatened to disrupt the church. Some advice was given in a spirit of kindness and brotherly love, that seemed to allay the excitement tem-

* Ipswich Court Records, vol. II., p. 92.

porarily; but the contest was renewed a few months later with increased vigor, and April 19, 1670, a second council assembled at the meeting-house in Newbury. After a prolonged hearing and careful deliberation, articles of agreement were drawn up and signed by Rev. Mr. Parker for himself and his friends and supporters, "and by Mr. Edward Woodman and the brethren that were with him."

These articles of agreement expressly declared "that the platform of discipline established by the general court" should be the rule or standard of the church at Newbury, and that all matters of controversy should be brought to the church for settlement.* It soon became evident, however, that the work of reconciliation was incomplete, and that the condition of affairs was very discouraging. Meetings called for the discussion of matters relating to church membership or discipline were exciting and boisterous. On one occasion Mr. Woodman and his friends "raised an hubbub, knocking, stamping, hemming, gaping to drown the reading" of charges preferred against them by their pastor.† A few months later the same persons, or a majority of them, having met together and chosen a moderator, proceeded to admonish Rev. Mr. Parker, "and to suspend him from the exercise of his office."‡ Thereupon complaint was entered in the court held at Ipswich in the month of April, 1671, accusing Mr. Edward Woodman, Mr. Richard Dummer, William Titcomb, Richard Bartlet, and others, to the number of forty-one in all, of disorderly conduct, dishonoring the holy ordinances of the church, and speaking contemptuously and reproachfully of their pastor, Rev. Mr. Parker.§

On the twenty-ninth day of May, 1671, the court found the defendants "guilty of very great misdemeanors, though in different degrees," and imposed a fine varying in amount from one noble (six shillings and eightpence) to twenty nobles upon the persons named in the indictment, together with the charges of witnesses and the fees of court.

Two days later, however, the questions in dispute were brought to the attention of the General Court; and the

* Coffin's History of Newbury, p. 88. † Ibid., p. 94. ‡ Ibid., p. 99. § Ibid., p. 99.

churches at Charlestown, Boston, Dedham, and Roxbury were ordered "to send their elders and messengers to the church at Newbury," and advise with the pastor and people there, "and make such suggestions as may be necessary to re-unite them in the bonds of brotherly love." *

Rev. Thomas Parker and his friends were evidently opposed to the order of the General Court, which practically annulled the decision of the county court, and called a council of the churches to meet at Newbury.

In answer to an Address exhibited by the Reverend Mr Thomas Parker of the ch at Newbury referring to the act of the Council sent by Sundry Chhs according to the appoyntment of the Hon^d General Court in May last, Sundry writings & pposals having been agitated and it appearing difficult to have a right understanding of the matter unless the parties concerned be admitted their lawful plea, This Council do not judge it expedient to exr't their powr to any present interposition therein, but do advise them to attend to councils of peace & therein to the submitting themselves one to another in the feare of y^e Lord according to y^e practice of the congregational chh. here settled.

past September 12, 1671.†

The council assembled in due time; and, after hearing the testimony of the elders and prominent members of the church, and making such inquiries and personal investigations as the circumstances of the case warranted, a report was agreed upon, and presented to the General Court, severely criticising Mr. Edward Woodman and his supporters, but at the same time declaring that his suspension from membership in the church was made in violation of the letter and spirit of the gospel, and, therefore, null and void. The report also requested and advised Rev. Mr. Woodbridge "not to impose himself or his ministry upon the church," nor obstruct the members in their choice of an assistant pastor, provided they observe "the gospel rule and approved church order." Preachers and hearers, although divided upon questions of doctrine and discipline, were exhorted "to walk according to the rule of faith, love and the order of the gospel," and to manifest "a mutual, hearty and free forgiveness of each other according to the rule of Christ."

* Massachusetts Colony Records, vol. iv., part ii., p. 487; Coffin's History of Newbury, p. 101; Massachusetts Archives, vol. x., pp. 59, 60.

† Massachusetts Archives, vol. x., p. 107.

May 15, 1672, the General Court accepted and adopted the report made by the council of churches, and ordered Edward Rawson, secretary of the colony, to notify the church at Newbury, "pastor and people, preachers and hearers, however before divided," to conform to its requirements and heed its admonitions, if they would avoid further difficulties and complications.*

This communication, although firm and resolute in tone, did not secure the unanimity expected; and the General Court, October 23, 1672, appointed a committee, consisting of Mr. Thomas Danforth, Mr. William Stoughton, Dr. Leonard Hoar, Capt. Thomas Clarke, Mr. Joshua Moody, and others, to confer with the pastor and people at Newbury, and urge them to submit, with meekness and humiliation, one unto the other, "and in case there shall appear any refractoriness in any amongst them that the persons so sent cannot prevail with them that they then make return to the next court of election what they find and do therein." †

Although no report of the conference has been discovered, some compromises and concessions were probably suggested by the committee, and promptly accepted by the church at Newbury. The questions in dispute were adjusted without further legislative action on the part of the General Court.

Rev. John Woodbridge did not probably retain his office as teacher in the church after the close of the year 1672.

He still continued to reside in Newbury, however; and June 1, 1677, he was authorized by the General Court to take depositions and acknowledgment of deeds. Subsequently, he was appointed one of the associate magistrates for the county of Essex; and in 1683 he was elected "assistant" to the General Court, and by virtue of his office was qualified to punish criminals and solemnize marriages.‡ He died March 17, 1695.

* Massachusetts Colony Records, vol. iv., part. ii., pp. 321-324; also, Coffin's *History of Newbury*, pp. 110, 111.

† Massachusetts Colony Records, vol. iv., part ii., p. 349; also, Coffin's *History of Newbury*, p. 112.

‡ Mr. John Woodbridge, of Newbury, was granted by the General Court, October 11, 1688, "the privilege that other teaching elders have as to freedom from rates, so long as he shall be employed in constant preaching." Massachusetts Colony Records, vol. v., p. 379.

THE
Visions and Prophecies
OF
DANIEL
EXPOUNDED:

Wherein the Mistakes of Former
INTERPRETERS
are modestly discovered, and the true
meaning of the TEXT made plain by
the Words and Circumstances of it.

The same also illustrated by clear Instances taken
out of HISTORIES which relate the Events
of time mystically foretold by the holy Prophet.

Amongst other things of Note, touching the
Two Witnesses, the *New Jerusalem*, the *Thousand years*, &c.
here is propounded a new Way for the finding out of the deter-
minate time signified by DANIEL in his Seventy weeks;
when it did begin, and when we are to expect the end thereof.
Very considerable, in respect of the great stirs and tur-
mules of this present Age wherein we live.

By *Thomas Parker*, sometime of *Newbury* in *Berk-shire*, and now
Pastor to the Church at *Newbury* in *New-England*.

*Dan. 12.4. But thou, O Daniel, shut up the words, and seal the book, even to the time of the
end: Many shall run to and fro, and knowledge shall be increased.*

Joh. 5.39. Search the Scriptures.

1 Thess. 5.21. Prove all things, hold fast that which is good.

London, Printed for *Edmund Paxton*, and are to be sold by *Nathaniel Webb* and
William Grantham, at the Grey-hound in *Pauls Church-yard*. 1646.

In January, 1672-3, Rev. John Richardson was employed to assist Rev. Mr. Parker in the ministry. He was the oldest son of Amos and Mary Richardson, of Stonington, Conn.* He was ordained "teacher to the church of Christ in Newbury" October 20, 1675, and pastor December 25, 1675.†

Rev. Thomas Parker died April 24, 1677. For several years previous to his death he was totally blind. Although old and infirm, he was able to prepare students for college, and taught them Latin, Greek, and Hebrew from memory.

About a year and half before he died, that which he had long feared befel him, viz: the palsey in his tongue: and so he became speechless, and thus continued until his death: having this only help left him, that he could pronounce letters, but not syllables or words. He signified his mind by *spelling* his words, which was indeed a tedious way, but yet a mercy so far to him and others.‡

During his life he published "The Visions and Prophecies of Daniel," and "A Letter to Mrs. Elizabeth Avery touching Sundry Opinions by her Professed and Maintained." He also wrote the dedication and introduction to a posthumous work of Rev. James Noyes, entitled "Moses and Aaron, or the Rights of Church and State."

The title-pages of these books, as well as a portion of the introduction to and dedication of Rev. Mr. Noyes' posthumous work, "Moses and Aaron," are here reproduced from original copies now in the possession of the Boston Public Library. They reveal, in visible form and shape, something of the religious thought and life that prevailed in Newbury in the seventeenth century, and are especially interesting and valuable to the student of local history.

* History of New London, Caulkins, p. 308.

† Newbury (First Parish) Records.

‡ Mather's Magnalia (ed. 1853), vol. I., p. 486.

The Copy of a
LETTER

Written by
Mr. Thomas Parker,
Pastor of the Church of *Newbury* in
NEW-ENGLAND,
TO
His Sister, *M^{rs} Elizabeth Avery,*
Sometimes of *Newbury* in the County
of BERKS,

Touching sundry
OPINIONS
BY HER
Professed and Mainrained.

Novemb. 22.
1649.

Imprimatur

JOHN DOWNAME.

*London, Printed by John Field for Edmund Paxton, at
Pauls-Chain, over against the Castle Tavern, near
the Doctors Commons. 1650.*

Moses and Aaron:

Or, The Rights of CHURCH and STATE; Containing two DISPUTATIONS.

The former concerning the Church, in which
are examined the principles of Separation, and their
inconsistency with truth and peace demonstrated:
and the Government of the Church vindicated
into the hands of her proper Rulers.

The latter asserts the sacredness of the persons and authority of Kings against Sacrilegious usurpation and King-killing.

By that judicious and faithful Minister of Christ, Mr.
JAMES NOYES, sometimes of Newbury in
NEW ENGLAND.

Published by *Benj. Woodbridge*, Rector of Newbury
in the County of *B E R K S.*

Numb. 16. 3. And they gathered themselves together against Moses and against Aaron, and said unto them, Ye take too much upon you, seeing all the Congregation are holy every one of them, and the Lord is among them: Wherefore then lift ye up your selves above the Congregation of the Lord?

Jude ver. 11. Perished in the Gain-saying of Coreh.

L O N D O N,

Printed by *T. R.* for *Edmund Paxton*, in *Pauls-chain*, over
against the *Castle Tavern*, near *Doffers Commons* 1 6 6 1.



TO THE READER.

Gentle Reader,



How mayest not expect this work should be so perfect and exact, as if the Author had been living to put it out himself. The original Copy also was lately lost in a ship foundred at Sea; and he wrote this Treatise in the last half year of his life, which was a time of continual weakness and sicknesse ending in his death. I did often press him long before to set down his notions in writings; but he was still averse, until the foresaid half year of his last continuance on earth. Notwithstanding all these discouragements, I thought it not meet to deprive thee of the use of this his last labour, because I conceived it would be very useful for the present time.

* * * * *

The Author Mr James Noyes (my worthy colleague in the ministry of the Gospel here) was a man of Singular qualifications, in piety excelling, an implacable enemy to all herisie and schism, and a most able warrior against the same. . . . He was couragious in danger and still was apt to believe the best, and made faire weather in a storm. He was much honoured and esteemed in the Countrey, and his death was much bewailed. I think he may be reckoned among the greatest worthies of this age. Upon the rising of our late usurpers, and the beheading of our most gracious and most excellent King Charles the first, of blessed memory, by a villanous stroke and under a wicked pretence of Justice & upon the defeating of our renowned King Charles the Second (whom God preserve) he fell into such a depth of sadness and sorrow of heart that it hastened his death as was believed. So he d.ed in the 48th year of his age Octob. 22, 1656. He left behind him this posthume, imperfect and incompleat, which if he had lived he would have perfected with the addition of many rare and excellent notions, for the enlightning and discovery of truths

Thine in the Lord

THO: PARKER

*Pastor, though unworthy, of the church in Newbury in N. E.**

* Introduction to "Moses and Aaron," published in 1661.



To the most
HIGH and MIGHTY
PRINCE CHARLES the second,
by the Grace of God **KING** of
great Britain, *France and Ireland,*
Defender of the Faith, &c.

* * * * *

Now as touching this work that followeth I have presumed to dedicate the same to your Royal Majesty, because the matter of it pertaineth to your consideration and because of the singular joy and hopes I have of your ascending into the Throne, and because the Author was a special lover of your Royal Father (of blessed memory) and of your majesty, the fall of whom stuck so close and near unto him and wrought in him so deep sorrow and affliction, that it is thought to have been the principal cause of his death. Let your Majesties Gracious acceptance Countenance the work. . . .

Now the God of all Grace and Mercy, who hath raised up your Majesty into the Throne of Royal Government . . . confirm and establish you upon your Throne, and crown you with grace, prosperity and glory, unto his own everlasting praise, the beauty and enlargement of the Church and to the laying a foundation of higher advancement of yourself in the future world than can be here expected. This is, and shall be the constant prayer of

Your Majesties Most Loyal

Servant and Subject

THOMAS PARKER.

A minister of the Gospel, though unworthy, and Pastor to the Church of Newbury in New England.

*Written from Newbury in New England August 6, 1660.**

* Dedication of "Moses and Aaron," published in 1661.

Rev. John Richardson came to Newbury, as previously stated, in 1673; but he was not ordained pastor until two years later. He was evidently an earnest and faithful preacher, and was successful in healing the dissensions that had disturbed the church for more than a quarter of a century.

January 31, 1672-3, a committee, consisting of "Capt Gerrish, Richard Dole & Ensigne Greenleaf," was chosen "to build a house for the ministry the same dimensions every way according as Nath: Clarkes house is with an addition of a porch," to be paid for by a town vote.*

December 3, 1673, the committee above named was authorized and directed to superintend "the building of Mr Richardsons house & to carry it on to the finishing of it & the selectmen were ordered to make a Rate for the building of it." *

"March 2, 1673-4 It was voted that the finishing of the house for the ministry & the alteration of it is left to the selectmen," who were also ordered "to see that six acres of land be laid out for the ministry between Rich: Brownes pasture and Capt Gerrishes land," and also to buy glass and nails for the house.*

December 6, 1674, Rev. John Richardson was admitted to membership in the church at Newbury; † and March 1, 1674-5, Nathaniel Clark and Henry Jaques were appointed a committee "to complete the ministry house" according to the plans agreed upon, and the selectmen were instructed to notify all persons owning carts or oxen, suitable for hauling lumber or stone, to bring them to the committee, with such other implements and tools as were needed or could be used in building a fence or wall about the house and the pasture adjoining.*

At the same meeting (March 1, 1674-5) it was voted that a salary of one hundred pounds should be paid Rev. John Richardson annually, each person to pay his proportion on or before the first day of November, "one half in merchantable

* Town of Newbury Records.

† Coffin's History of Newbury, p. 115.

barley at the malt houses of Daniel Pierce or Caleb Moody" and the other half in pork, wheat, butter, or Indian corn, to the satisfaction of Mr. Richardson.*

May 7, 1675 Daniel Peirce Senr Nath: Clarke & John Bartlet Senr were chosen to compleat the finishing & fencing of the ministry house.*

In the summer of 1676 permission to build a new seat in the meeting-house, "in the south corner of the womens gallery," led to an exciting episode, which ultimately resulted in the indictment of Joshua Richardson, Caleb Richardson, and Edward Ordway "for breaking into the meeting house at Newbury, breaking of a pew and chairs &c." They were tried and convicted at the court held at Ipswich, March 27, 1677, and sentenced to be severely whipped or pay a fine of ten pounds with costs and fees, and also to give bonds for their future good behavior. Richard Carr, who was accused of being associated with them in the commission of this unlawful act, was found "not guilty," and discharged.†

August 18, 1680, the selectmen ordered that Anthony Morse should every Sabbath day go or send his boy to Mr. Richardson and tell him when he is going to ring the last bell every meeting and for that service is to have ten shillings a year added to his former annuity.*

Aug 29, 1681 The selectmen agreed with James Mirricke to keep the meeting house & sweep it and Ring the bell twice every meeting according to former custome in season, and to bring a bason of water to the meeting house when children are to be baptized, and to give notice to Mr Richardson when he goes to Ring the last bell every meeting both Sabath days & lecture days, and for this service the selectmen do engage in the behalfe of the Towne, that the said James Mirricke shall have yearly paid to him out of the Towne Rate the sum of three pounds & 10 shillings. And the said James Mirrick is hereby engaged also to dig graves as occasion may be, for which he is to have three shillings for every man & womans Grave in the somer & when the frost is out of the Ground, but also in winter he is to have foure shillings for such graves &c &c.*

At a town meeting held January 23, 1684-5, "Richard Bartlet not appearing, he being a deputy to the general

* Town of Newbury Records.

† Ipswich Court Records, vol. ii., p. 290; also, Coffin's History of Newbury, p. 119.

court," Nicholas Noyes was chosen moderator, and the following vote was then passed:—

The towne taking into consideration the Lord hath bin pleased to disable our Reverend Teacher by fever & that he is not able to carry on the worke of the ministry at present. It was therefore voted that the towne will allow twenty shillings in pay every Sabbath to such as shall carry on the worke of the ministry During the time of Mr Richardsons sickness. And also desire the Deacons to take [] for such as may preach among us from one Sabbath to another untill god provide otherwise for our help.*

During the following summer the inhabitants at the west end of the town were exceedingly anxious to erect a house of worship in that neighborhood, and asked liberty to employ a suitable person to carry on the work of the ministry among them. This humble request, however, was not granted. Nevertheless, the petitioners proceeded to build, without permission, a meeting-house in the vicinity of Sawyer's hill, and employed Mr. Edward Thompson to preach there. A long and serious contest followed, which ultimately led to setting off part of the west end of the town as a separate parish.†

Mr. John Clark was invited to assist Rev. John Richardson in the discharge of his ministerial duties, and also to keep a grammar school at the west end of the town. He declined the invitation, and Rev. Christopher Toppan was asked to undertake the work. May 28, 1694, Mr. Toppan replied that he could not give an affirmative answer to the proposal submitted to him, but expressed his willingness "to help in the work of the ministry in Newbury for a year in order to further settlement as Gods providence shall make way." *

Rev. Mr. Richardson died April 27, 1696; and, on the fifteenth day of May following, the church invited Rev. Christopher Toppan to take the entire charge of the parish. May twenty-fifth, the freeholders and inhabitants of the town voted to give him forty pounds a year in money and forty pounds a year in provision, so long as he carried on the whole work of the ministry among them.*

In the month of July following, the town granted him two

* Town of Newbury Records.

† For the details of this prolonged controversy see pp. 349-356.

acres of land to be laid out in some convenient place near the meeting-house, "provided that he be ordained and settle in the town." *

He accepted the office of pastor of the church, and was ordained September 9, 1696. For more than twenty years he occupied the parsonage built for Rev. Mr. Richardson, on Floyd's lane, now Hanover street, Newbury. †

Services in the meeting-house on Sundays and lecture days were announced by the ringing of a bell; but persons living at a distance were not satisfied with that way of calling the inhabitants together, and the town voted, November 8, 1697, to authorize the selectmen "to procure a flagg for the meeting house to be put out at the ringing of the first bell and taken in when the last bell is rung." ‡

In the month of July following, "the worshipfull Coll Daniel Pierce, Esq. Cap^t Thomas Noyes and Serj. Stephen Jaques" were chosen a committee to prepare plans and ascertain the probable cost of a new meeting-house. § December 21, 1698, an agreement was made with Sergt. Stephen Jaques to furnish the labor and materials for the new building, to be constructed according to plans and specifications submitted, for the sum of five hundred and thirty pounds: "Sixty foote in length & fifty foote in breadth and twenty foote in the stud, or post." February 8, 1698-9, it was voted to increase the length of the posts and studs to twenty-four feet, and to pay Sergt. Jaques not over twenty pounds additional for this extra work. §

December 18, 1699 Coll Dan^l Peirce & Maj^r Thomas Noyes were by vote desired & impowered to imploy y^e Hon^{ble} Cap^t Samuel Sewall of Boston, Esq. To procure a good and sufficient meeting hous Bell for the Towne of Newbury suitable for our Towne considering y^e Remoteness of our dwellings.

* Town of Newbury Records.

† Rev. Christopher Toppan was born December 15, 1671, and graduated at Harvard College in 1691. He was a son of Dr. Peter Toppan, of Newbury. July 17, 1714, he purchased of Nathaniel Clark seven and a half acres of land, with a dwelling-house thereon, now owned and occupied by Capt. Moses J. Milliken, Newburyport (Essex Deeds, book xxxvi., leaf 83). April 29, 1746, he sold to his grandson, Christopher Toppan, son of Edward Toppan, of Hampton, N.H., "land in Newbury with the house I now dwell in, bounded westerly on the country road, easterly on New Lane, so called &c." (Essex Deeds, book lxxvii., leaf 260). The country road, is now High street and New lane is now Allen street, Newburyport.

‡ Town of Newbury Records, vol. iii., p. 48. § Ibid., p. 50.

It was also voted y^t a new pulpitt should be made for the new meeting hous.*

There was evidently some delay in procuring a new bell, and April 22, 1700, the town voted "y^t Serj^t Jaques shall forthwith hang the [old] meeting-house bell in the New Terrett." †

August 21, 1700 voted y^t y^e Selectmen are apoynted to desire and imploy Capt Jeremiah Dummer, of Boston, Esq^r to procure a good meeting hous Bell for the east p^t of the Towne of Newbury of about 400 waite.‡

October 18, 1700 voted that Coll. Dan^l Pierce, Esq. & Tristram Coffin, Esq. be impowered to procure a meeting house bell for the new meeting house of about four hundred waite.§

April 30, 1701 voted that when the East p^t of the Towne of Newbury shall be supplied with a new meeting house Bell, that then the present meeting house Bell shall be & remaine to be a schoole Bell & improved for y^t use.||

January 4, 1705-6 voted that the new Bell be hanged in the Terret of the meeting house & y^t the selectmen se that it be done with all convenient speede, also to take care that the Bell be Rung at nine of the clock every night, and that the day of the month be every night tolled.¶

October 18, 1700, a committee was appointed to assign seats in the new meeting-house to the freeholders and inhabitants of the town; and the same day "It was also voted y^t a pew be built for y^e ministers wife next y^e pulpit stayrs, . . . also y^t Coll Dan^l Peirce, Esq. should have his first choyce of a pew & Maj^r Thomas Noyes, Esq shall have the next choyce for a pew." §

In the month of November following, Henry Short, Henry Somerby, Tristram Coffin, Nathaniel Coffin, Capt. Edward Sargent, Dr. Humphrey Bradstreet, and many others were granted liberty to build pews, at their own charge, for the accommodation of their wives and families; and on the sixteenth day of December the committee appointed "to seat the meeting house" reported the names of three hundred and thirteen persons, inhabitants of the First parish in Newbury, to whom they had assigned seats. The location of

* Town of Newbury Records, vol. iii., p. 55. † Ibid., p. 58. ‡ Ibid., p. 62. § Ibid., p. 65. || Ibid., p. 77. ¶ Ibid., p. 120.

these seats and the names of the persons assigned to them were entered in full upon the records of the town.*

January 19, 1702-3, Ensign Jaques and Richard Kelly were appointed a committee "to build a convenient porch to the west dore of the meeting hous heere at the east p^t of Newbury and sutible and convenient Gutters to s^d meeting house." †

March 17, 1702-3, the town voted that the old meeting-house "be repayred and fitted for a Court House & Schoole House"; but this vote was afterwards reconsidered, and May 23, 1705, "the old meeting house [was] then Granted to M^r Richard Brown, Junior, wth liberty to remove it."

The new edifice, erected during the summer and winter of 1699, was large and commodious.

The body of the house was filled with long seats. Contiguous to the wall were twenty pews. The spaces for the pews were granted to particular persons, who appear to have been principals. Before the pulpit and deacon's seat was a large pew containing a table, where sat the chiefs of the fathers. The young people sat in the upper gallery, and the children on a seat in the alley, fixed to the outside of the pews. The floor measured 60 by 50 feet. The roof was constructed with four gable ends, or projections, one on each side, each containing a large window, which gave light to the upper galleries. The turret was in the centre. The space within was open to the roof, where was visible plenty of timber, with great needles and little needles pointing downwards, which served at once for strength and ornament. There were many ornaments of antique sculpture and wainscot. It was a stately building in the day of it, but it was not my lot to see it in all its ancient glory. Long ago a wall was spread overhead, and the floor was occupied by pews. The roof was made plain, the four very steep sides terminating in a platform which supported a steeple.‡

All questions relating to the temporal affairs of the First church in Newbury were discussed and settled at the annual or special meetings of the town, and appropriations of money for the minister or for building the meeting-house were recorded on the same page with the election of constables, fence-viewers, surveyors of highways, and other officers of the

* Town of Newbury Records, vol. iii., pp. 69-72. † Ibid., p. 98.

‡ Appendix to a sermon preached September 17, 1806, by Rev. John S. Popkin, of Newbury.

town. But after the Second church was organized and parish lines established, meetings for the consideration of town affairs and meetings of the parish for the consideration of church affairs were held independently of each other, and separate books of record were kept by the town and parish clerks.

Early in the spring of 1722, the inhabitants of the First parish in Newbury invited Mr. Daniel Holbrook "to assist Rev. Christopher Toppan in the ministry." Some objections were made to the proposed settlement of an assistant pastor; and, April 6, 1722, a committee was chosen to confer with Mr. Toppan and Mr. Holbrook in order to remove the objections, if possible.*

On the twelfth day of July, the church voted to invite Mr. Holbrook to accept the office of teacher, or assistant pastor; and, on the nineteenth day of September following, the parish voted to unite with the church in the invitation and make an effort to secure a favorable answer.

At this time the division of the parish and the organization of a new church was earnestly advocated by the inhabitants of Newbury living in the vicinity of Greenleaf's lane, now State street, Newburyport.

September 19, 1722 it was voted that If ye Inhabitants at ye west-erly end of said [First] Parish Do obtain a meeting house and be orderly set off from this Parish; that then s^d Inhabitants at s^d westerly end shall be reimbursed what money they shall disburse towards ye settlement of the said Mr Holbrook besides his yearly Sallery, and that all the Inhabitants that desire it, on the Northerly side of ye Lane called Chandlers Lane, and from the uper end of said Lane on a Strait Line to ye Northerly side of Cap^t John Marches, from and thence on a strait Line to John Browns house untill it Comes to ye Line of ye Second Parish In said Towne, Shall Have Liberty to Build a meeting house for them selves In ye most Reasonable Place for the Conveniency of said Inhabitants. And when they are duly Qualified for it In ye Judgment of said Parish To be set off and freed from the ministry In this Part of said Parish (as many of y^m as are willing for it and desire it) as to their polls and estates that Lay on ye northerly side of s^d Line.†

*Newbury (First Parish) Records, p. 1.

†Newbury (First Parish) Records, vol. 1., p. 3. Three years later a meeting-house was erected on a triangular lot of land, now known as Market square, Newburyport; and December 18, 1725, the General Court adopted an order establishing the Third parish of Newbury ("Ould Newbury," p. 490).

November 6, 1722, the inhabitants of the First parish voted to pay Mr. Daniel Holbrook eighty pounds a year for his services,

... the said Mr Holbrook to preach a lecture once a month (if the Rev. Mr Toppan agree thereunto) and that he take due care to visit his Parishoners and to see that y^e head & masters of families take due care to catechise their children and servants as may be thought needfull.*

Mr. Holbrook evidently entered upon his duties without delay, and would undoubtedly have been ordained assistant pastor of the church at Newbury, had his life been spared. He was seized with a sudden illness, while preaching, on Sunday, April 14, 1723, and was obliged to leave the pulpit. He died five days later.†

March 22, 1725-6, a committee was chosen to attend to the repairing of the meeting-house and making it more comfortable; and, July thirteenth, the parish voted

... that the four Gable ends In y^e Roof of y^e meeting House be Taken Down and that each Part opened thereby be well Timbered and Boarded and Shingled up and made tite & Sound up to y^e Platform In y^e same form on Each side as ye hip Rafters now stand, and that Mr. James Noyes should undertake and Perform y^e above said work. §

It is evident, however, from subsequent votes of the parish that two of these "gable ends" were left standing for ten or fifteen years. May 20, 1729, it was voted to shingle the back side of the meeting-house, divide the large window into two parts, put in new window glass where necessary, and make other needed repairs.

March 13, 1729-30 voted that those who live remote from y^e meeting house should have liberty to go Into y^e schoolhouse on Sabbath days for their comfort In wet, cold or hot seasons, as they may have occasion to use. §

March 22, 1730-31 William Ilsley and Joseph Morse, Junior, were chosen and appointed to tune the psalm In y^e meeting house In time of Publick worship and take their Turn In that work that it may be done with y^e more ease and cheerfulness. And the said Morse is appointed

* Newbury (First Parish) Records, vol. I., p. 4.

† Coffin's History of Newbury, p. 193. § Newbury (First Parish) Records.

to sit in the fore seat of ye south body with ye said llsley for y^e managing said work.*

May 6, 1740, a committee was appointed to provide an upper floor or ceiling for the meeting-house, "either over ye Beams or under as the Com^{tee} think most proper"; and September 17, 1740, the parish voted "that the two gables now standing on y^e meeting house be taken down and the places where they stand be well timbered, Boarded & shingled as the other sides of said house are," provided the carpenters employed to repair the meeting-house will do this extra work without charge.*

In 1742, the religious excitement in Newbury was intense. Revival preachers attracted large crowds of attentive listeners, and meeting-houses were frequently occupied without the consent or approbation of the conservative orthodox ministers of the town. In an anonymous communication, published in the *Boston Evening Post*, May 3, 1742, "the reverend N. Rogers of Ipswich, Mr. Daniel Rogers and Mr. Bewell, candidates for the ministry," are charged with having come into Newbury "and taken possession of Mr. Lowell's meeting house without his knowledge, or asking leave of the proprietors of the house, or the consent of the church or congregation. . . . An attempt of the like factious nature was made upon the reverend Mr Toppan's meeting house, but Mr. Toppan being present the party was repulsed."

In the *Boston Gazette or Weekly Journal*, published May 17(?), 1742, the statements made in the communication quoted above were denied. A newspaper controversy followed that lasted several months. In the *Boston Evening Post*, July 12, 1742, the facts as stated in the article published on the third day of May were reiterated, and the truth established by a certificate signed by Abraham Titcomb and Humphrey Richards, and sworn to before Henry Rolfe, justice of the peace.†

Disorderly and irreverent boys occasionally disturbed the sanctity of the Sabbath, and aroused the indignation of the older and more sedate inhabitants of the town.

* Newbury (First Parish) Records.

† See *Boston Evening Post*; also, Coffin's *History of Newbury*, p. 212.

At a meeting of the selectmen held July 6, 1663 Gyles Cromlow was chosen for this yeare to look that the boyes be kept in order, & take notice of such as are out of order & give notice to the selectmen & he shall have six shillings out of the next towne vote.*

October 9, 1711, voted that ye select men shall forthwith imploy severall persons to take care y^e Boyes be kept in order on Sabath days & satisfie sd persons out of y^e money of y^e parish to which they belong for their service.†

March 25, 1723 Mr Joseph Knight and Mr Nathan Noyes were chosen to take care of y^e youth in said Parish that they be kept in order on Sabath Days & Especially In time of Publick worship.‡

March 22, 1730-31 Mr. John Lunt was chosen to sit In ye Gallery to take care and keep y^e youth still In time of Publick worship and to Inform parents & masters of such as are found to be unruly.§

February 6, 1745-6 voted that the stairs that lead into the upper galleries shall be stopped up so that the boys cannot go up in said galleries on Sabbath days and the committee of the parish are hereby impowered to see it done speedily.§

July 16, 1745, Rev. John Tucker was invited to assist Rev. Christopher Toppan in the work of the ministry in the First church in Newbury. This invitation was vigorously opposed by some of the most influential men in the parish, and finally resulted in the withdrawal of a large number of disaffected brethren and the organization of a new religious society. Although greatly perplexed and disturbed by the lack of harmony in the parish, Rev. Mr. Tucker accepted the call October 11, 1745, and on the twentieth day of November following he was ordained assistant pastor of the church.¶

January 19, 1745-6, fifteen or twenty persons who had opposed the settlement of the new minister were notified to appear at a meeting to be held four days later, and answer to the accusations brought against them. This notice was evidently ignored by the disaffected brethren, and subsequently

* Town of Newbury Records, vol. I. † Ibid., vol. III, p. 157.

‡ Newbury (First Parish) Records, p. 7. § Newbury (First Parish) Records.

¶ Rev. John Tucker was born in Amesbury, September 20, 1719. The services at his ordination were simple and impressive. After the singing of a psalm, prayer was offered by Rev. William Johnson, of the Fourth church in Newbury, now the Second in West Newbury, which was followed by a sermon from the text (2 Corinthians vi:1): "We then as workers together with him beseech you also that ye receive not the grace of God in vain," by Rev. Payne Wingate, of Amesbury. Rev. Caleb Cushing, of Salisbury, gave the charge to the people, Rev. John Lowell, of the Third church in Newbury, now the First in Newburyport, gave the right hand of fellowship, and Rev. Thomas Barnard, of the Second church in Newbury, now the First in West Newbury, made the closing prayer.

they were solemnly admonished for contemptuous behavior and wilful neglect of public worship by the elders of the church. Every person who had voluntarily abstained from communion, or had openly denounced the doctrinal views of Rev. Mr. Tucker, was called upon to confess his misdeeds and manifest a spirit of penitence and contrition. The perverse and obdurate brethren, however, persisted in their schismatical opinions, and soon after organized a new church, and invited Rev. Jonathan Parsons, of Lyme, Conn., to become their pastor.*

After this date, the communion service was usually omitted during the winter months, from the first day of December to the first day of April following. The male members of the church were assessed twelve pence and the female members ninepence every year, "to provide bread and wine for the communion table," but the deacons were authorized to excuse all poor and needy persons from paying this assessment.†

Sins of omission and commission were frequently confessed by penitent transgressors of the moral law at the close of divine service on Sundays and lecture days. In many instances "for a gross breach of the seventh commandment" the offenders were admonished, "restored to charity," and their children admitted to the rites of baptism." †

Although a large proportion of the congregation came on foot to the meeting-house, many who lived at a distance rode on horseback. Frequently, the great number of horses tied near the doorway were a serious inconvenience to the devout worshippers; and March 12, 1751-2, the parish voted that "the sexton inform those People that hitch or tie their horses near the South Door of the meeting House so that they move said horses that they shall not Discomode the women getting on their horses." †

The parish also voted, June 17, 1761, "to make use of Mr. Tates & Dr. Bradys version of the Psalms, together with a number of Dr. Watts Hymns usually bound up there with, in their publick singing," and on the twelfth day of

* "Ould Newbury," pp. 508-525.

† Newbury (First Parish) Records.

November following "voted to build a pew in some convenient place in the meeting house for the accommodation of the singers." *

The reading of the Bible in the pulpit without words of comment or explanation from the minister was considered unprofitable and dangerous; but April 19, 1769, the subject was thoroughly discussed, and, after a prolonged debate, it was voted "that it is agreeable to y^e church the scriptures be read in publick." *

Soon after this date extensive repairs were made on the meeting-house. A committee appointed to examine the roof reported in October, 1763, that it was in an unsafe condition, that the "turret" should be removed and the bell taken down. This report, after considerable discussion, was accepted; and the parish voted, November 28, 1763, "that the bell should be hung in the highway near John Brown, Esq's land & nearly opposite to the porch of the meeting house." On the second day of December, Mr. Brown signed a written agreement giving the parish permission to erect on his land a suitable tower or frame for the support of the bell, "to remain there until removed to some other place by vote of the parish."

In 1772, the roof of the meeting-house was strengthened, and a tower or turret erected thereon, "with a copper weather cock on top of the Piremid." The bell was then hung in the place provided for it in the turret.

All persons residing within the limits of the First parish in Newbury were taxed for the support of public worship in that parish. February 4, 1773, the inhabitants "voted not to release any of the pretended churchmen from the payment of taxes." At the Court of Common Pleas held at Ipswich in the month of March, 1773, Rev. Edward Bass, rector of St. Paul's church, Newburyport, brought a suit against the treasurer and collectors of the parish, "to recover taxes paid said parish by Nicholas Short and John Dole both inhabitants of the First Parish in Newbury, but regular communicants of St. Paul's Church." John Lowell, Esq., of Newburyport,

* Newbury (First Parish) Records.

appeared as attorney for the defendants, and Daniel Farnham, Esq., also from Newburyport, for the plaintiff. The jury rendered a verdict in favor of the parish, and the plaintiff appealed to the Superior Court of Judicature for the county of Essex. Upon a review of the case in the Superior Court in the month of June, 1774, the defendants were held liable to pay the sum of £3, 4s. 8d. upon certain conditions, but were allowed to deduct witness fees, costs of court, etc.

In consequence of the extraordinary high price of wine in 1777, every male member of the church was expected to pay three shillings and every female two shillings and sixpence for the support of the communion table. In 1779, the tax was raised to \$6.50 for every man and \$5.50 for every woman. In 1780, the men were called upon to pay twenty dollars and the women sixteen dollars each to meet the expenses of the communion table for that year.

After the death of James Mirrick, who was sexton of the church for twenty-five or thirty years, the selectmen made the following agreement July 11, 1711:—

Benj Mors ye 3^d is to ring y^e Bell and sweep the meeting house for one year, the year to begin the 1st of July 1711, s^d Mors is to Ring the Bell at nine of the clock every night and Sabath days and Lecture day and such like. And s^d Mors is to winge or Rub down the principle seats the day after sweeping of the meeting hous. And s^d Mors is to have for his years service about y^e meeting hous eight pound and ten shillings, one half to be paid in money and the other half as money. Also to toule the Bell till the minister comes.*

March 28, 1732, Henry Lunt was chosen sexton, and allowed eighteen pence a week for sweeping the meeting-house and twelve pence a week for ringing the bell. He served until March 15, 1736-7, when Humphrey Richards was elected. Henry Lunt died August 9, 1737.

Humphrey Richards was chosen sexton annually until March 15, 1784, when a committee was appointed to provide a sexton for the year ensuing. Mr. Richards died previous to February 1, 1785.†

* Town of Newbury (Selectmen's) Records, 1693-1728, p. 16a.

† Moses Short's Book of Burials.

Moses Short was probably appointed sexton in 1784. His first burial, according to the record, was made December 30, 1784. He served as sexton until 1836.

Reuben Jackman was sexton from April, 1836, to April, 1841.

Elisha Bean was sexton from 1841 to 1850, and Jeremiah C. Young from 1850 to 1857.

Hiram Young was chosen sexton in March, 1857, and served until March, 1874.

Elisha Bean was sexton in 1874, and Moses Young from 1875 to 1885.

In March, 1885, Albert Tilton was chosen, but declined to serve, and George W. Haskell was appointed to fill the vacancy. Mr. Haskell retained the office until 1889.

William Rogers was sexton from 1889 to October or November in 1890, when Moses Young was appointed to fill out the unexpired term. From that date to the present Mr. Young has been annually elected sexton of the First parish in Newbury.

Rev. Christopher Toppan died July 23, 1747. After his death, Rev. Mr. Tucker remained in sole charge of the parish for nearly fifty years. In 1766, a few dissatisfied members of the church proceeded to organize a new society, and made preparations to erect a new meeting-house, nearly opposite the old one, on land purchased of Mr. John Brown.* The house was raised and boarded, but for some reason was never finished. In a violent storm of thunder, lightning, wind, and rain it was blown down, February 9, 1771.

In the summer of 1766 an attempt was made to call a council of churches to consider the disorganized condition of affairs in the parish, but the effort was unsuccessful. March 29, 1767, the subject was again discussed, and the refusal of the pastor to unite with his unfriendly critics in calling a council of churches was sustained.†

* February 24, 1766, John Brown sold to Joshua Coffin, Nicholas Short, Jacob Knight, Samuel Noyes, John Dole, jr., Joseph Jaques, Moses Noyes, jr., Isaac Noyes, and Nathan Peirce a lot of land in Newbury "to erect a meeting house upon for the Publick Worship of God." Essex Deeds, book cxix., leaf 63; also, Coffin's History of Newbury, p. 223.

† Newbury (First Parish Church) Records.

Rev. John Tucker died March 22, 1792, in the seventy-third year of his age. For several years after that date the church remained without a pastor, although an effort was made to secure the services of Rev. Samuel Mead in 1793 and of Rev. Phincas Randall in 1795; but both gentlemen declined the call extended to them. On the twenty-eighth day of January, 1796, Rev. Abraham Moor was invited to take charge of the parish. He accepted the invitation, and was ordained on the twenty-third day of March following.* Theological differences had not then separated churches that were strictly orthodox from those holding a more liberal faith; and Rev. Thomas Cary and Rev. John Andrews, pastor and assistant pastor of the First Religious society of Newburyport, although not believers in the Calvinistic creed, were among the clergymen invited to attend and participate in the ordination exercises.

Rev. Mr. Moor was not at that time strong and vigorous, and soon after was taken seriously ill. He died of pulmonary consumption June 24, 1801. Rev. Nathaniel Noyes supplied the pulpit until the spring of 1804; and Rev. John Snelling Popkin, of Boston, was installed pastor of the church on the nineteenth day of September following.† In the exercises on that occasion, Rev. John Andrews, of Newburyport, gave the right hand of fellowship.

November 9, 1805, the parish voted to build a new meeting-house; and May 4, 1806, Rev. Mr. Popkin preached for the last time in the old one before it was taken down.‡ The frame of the new building was raised June 17, 1806. It was sixty-one feet long and fifty-one feet wide. It was completed and dedicated with appropriate exercises September 17, 1806.

During the pastorate of Rev. Mr. Popkin the church was united and prosperous. On the twenty-seventh day of September, 1815, having been invited to accept a professorship in Harvard College, he asked to be released from his pastoral

* Rev. Abraham Moor, the son of Deacon John and Mary (Cochrane) Moor, was born in Londonderry (in that part of the town now Derry), N.H., September 8, 1768.

† Rev. Mr. Popkin was ordained in Boston in 1799. Previous to his settlement in Newbury, he officiated for several years at Wenham, Mass., and at Londonderry, N.H.

‡ From the sermons preached May fourth and September seventeenth, 1806, by Rev. Mr. Popkin, many facts incorporated in this sketch have been taken.

duties. On the fifth day of October following, a council was called, at which the First Religious society of Newburyport was represented by Rev. John Andrews.

After long deliberation the council, with great unanimity, voted to advise Rev. Mr. Popkin to accept the professorship and take up the important work to which he had been called, but at the same time earnestly exhorted him to retain his office as pastor of the church at Newbury. Yielding to the advice of the council and the solicitation of friends, he remained in charge of the parish until September 3, 1816, when he tendered his resignation, which was duly accepted.*

Meanwhile the parish and church united in extending an invitation to Rev. Leonard Withington to become their pastor. He was unwilling to accept the position unless some changes were made in the church covenant and in the ordinances relating to the baptism of children whose parents were not in full communion with the church.* These changes were agreed to; and October 16, 1816, at the suggestion of Rev. Mr. Withington, a committee was appointed to confer with the members of the First Presbyterian church in Newburyport in regard to the animosities and misunderstandings that had resulted from the organization of that church in 1745. A reconciliation was effected, past differences "were buried in oblivion," and October 31, 1816, Rev. Leonard Withington was ordained pastor of the First church in Newbury. Rev. Daniel Dana, pastor of the First Presbyterian church, and Rev. John Andrews, pastor of the First Religious society of Newburyport, were among the ministers invited to assist in the ordination exercises.*

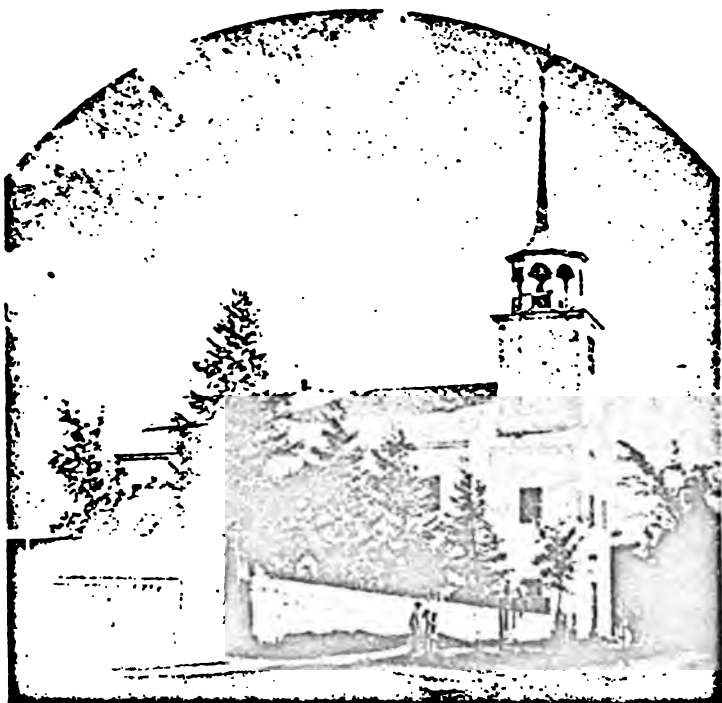
For more than forty years Rev. Mr. Withington served the parish as preacher and pastor with great acceptance and ability. He resigned the active duties of that office October 31, 1859, but remained senior pastor of the church until his death, April 26, 1885.

January 20, 1859, Rev. John R. Thurston was ordained assistant pastor. January 26, 1868, the meeting-house built in 1806, was destroyed by fire. A new house of wor

* Newbury (First Parish Church) Records.

ship was erected on the opposite side of the street, and dedicated on the fourth day of March, 1869. The land upon which the old house stood now forms a part of the burying-ground near "the trayneing green."

Rev. Mr. Thurston resigned his office as assistant pastor, and was dismissed March 28, 1870, at his own request.



FIRST PARISH MEETING-HOUSE.

BUILT IN 1806.

DESTROYED BY FIRE IN 1868.

Since that date the pastors of the church have been: Rev. Omar W. Folsom, settled October 31, 1872, resigned June 5, 1884; Rev. Francis W. Sanborn, settled November 20, 1884, resigned October 20, 1896; Rev. Charles S. Holton, settled May 11, 1897.

SECOND CHURCH IN NEWBURY.

In 1685, fifty years after the first settlers landed on the banks of the Quascacunquen river, and one year before the common land in the "upper woods" beyond the Artichoke river was divided, a petition was presented to the inhabitants of Newbury for the employment of a suitable person to attend to the work of the ministry at the west end of the town. Although the petitioners lived at some distance from the meeting-house, and could not "with any comfort or convenience come to the public worship of God," their request was not complied with; and four years later a few individuals built, at their own expense, a building thirty feet square, at or near the place now known as the burying-ground at Sawyer's hill, for the accommodation of those who desired to attend public worship in that neighborhood.*

At a town meeting held February 25, 1689-90, a committee was appointed to confer with Rev. John Richardson, pastor of the First church in Newbury, in regard to the proposed settlement of a minister at the west end. This committee reported that Rev. Mr. Richardson declined to give any advice; and, considering the difficulties and disadvantages that would be likely to result from the organization of a new religious society in the town, the committee recommended that the privilege asked for should not be granted at that time.

On the eleventh day of March following,

John Emery	Abraham Merrill	Joseph Bayley
John Emery Jun.	Samuel Bartlet	Rich ^d Bartlet
Benj Lowle	Jn ^o Bartlet	Joseph Richardson
Jn ^o Ordway	Stephen Emery	Jn ^o Merrick
Jn ^o Chace	Joshua Browne	Stephen Sawyer

in behalf of the inhabitants of the west end of the town, submitted two proposals.

1. That the Towne would agree to make a rate for the maintenance of two ministers so that we at the new Towne might have the word of God preached among us at the West meeting house and that by a Lov-

* "Old Newbury," pp. 363-364.

ing agreement of the towne together, which wee your friends & broathers have long wished for, and now would hope that we may Lovingly agree in. But now if the Towne will not grant us that proposition, our second is,

2. That the Towne would grant us their free consent [to establish] the ministry among us upon our own charg & that the Towne would Lovingly agree to a Dividing line between us so we may know what families may now belong to the West meeting house &c.*

These proposals were not favorably received, and after some delay the inhabitants of the west end extended a call to Mr. Edward Tompson to be their minister. The town objected to this unauthorized display of authority; and on the fourteenth day of July, 1691, "did by vote manifest their dislike against it, or against any other minister whom they should call, until ye church and towne are agreed upon it, looking upon such a thing to be an intrusion upon ye church and towne." *

From this decision a few individuals residing in the vicinity of the newly erected meeting-house appealed to the General Court; and the town, at a meeting held December 2, 1691, passed the following resolve:—

Whereas divers of the inhabitants of our Towne presented to the Honoured Gen^{ll} Court a petition dated Octo. 1 1691 to be established a people by themselves for the maintainance of the ministry amongst them & whereas the Honoured Gen^{ll} Court at a session of y^r in Boston 14th of Octobr 1691 ordered y^e a copy of s^d petition be sent to the Towne of Newbury and that oportunity be given them at the next sitting of the Court to present what they have to offer why the petioners should not be granted what they move for, if they have anything against it.

The inhabitants of the Towne did then by vote manifest y^mselves against the new Townes men having y^r petition granted & did then desire y^e worshippful Jⁿ Woodbridg Esq. Capt Peirce, Capt Noyes, Deacon Noyes and y^e selectmen to draw up a petition to y^e next sessions of y^e Gen^{ll} Court in the behalfe of the Towne in way of answer to y^e new Towne mens petition & that Capt Noyes should manage y^e s^d afare in the behalfe of y^e Towne at y^e next session of y^e Gen^{ll} Court.*

In December, 1692, the town voted to call another minister to preach at the west end, and keep school there.

May 10, 1693 It was voted y^t Mr John Clarke be chosen to Asist Mr John Richardson in the worke of the ministry & to help at the west

*Town of Newbury Records.

end of the Towne of Newbury to preach to them for one yeare in order to further settlement as the Church & Towne shall agree & also to keepe a Graffier Schoole for w^{ch} the s^d Towne engages to allow s^d Mr Clarke Rationall satisfaction if he except of the worke.*

In a petition presented to the General Court May 31, 1693, William Moody, Henry Somerby, Joseph Kittel, and Joseph Pike, selectmen of Newbury, state that Mr. Clarke had accepted the call; but several inhabitants of the west end of the town refused to receive him, claiming that they were bound by their agreement to aid and support Mr. Edward Tompson, who was then engaged in the work of the ministry among them, and the petitioners humbly requested the honored court to take such action as might be necessary to restore order and reconcile conflicting interests in the church.†

To this petition John Emery, John Emery, jr., Abraham Morrill, and John Ordway, in behalf of the west end people, replied that they had been endeavoring for more than five years to have the public worship of God established among them; that many of them lived four, and some of them six or seven, miles from the old meeting-house; and that the old and infirm, especially in the winter time, were unable to travel that distance. They therefore asked the General Court for liberty to maintain a minister of their own choice, at their own cost, and also asked to be released from the payment of taxes for the support of public worship elsewhere. In order that they might live in peace and harmony with their neighbors, they desired to be set off into a separate precinct, and a rational dividing line established between them.‡

No definite action was taken by the General Court; and at a meeting of the inhabitants of Newbury held July 5, 1693, the subject was again considered, and after a long discussion "The Towne gave in theyr votes for the choyce of a minister for the west end of the Towne in order to a full settlement in the work of the ministry there, the inhabitants then brought in theyr votes by papers & Mr John Clarke was then chosen & not one vote against him." §

* Massachusetts Archives, vol. xi., p. 75.

† Massachusetts Archives, vol. xi., p. 73; also, Coffin's History of Newbury, p. 158.

‡ Massachusetts Archives, vol. xi., p. 74; also, Coffin's History of Newbury, p. 159.

§ Town of Newbury Records.

The west end men evidently refrained from voting, for the same day twenty-five persons protested against the settlement of Mr. Clarke "because the new towne people have a minister already." Subsequently, Mr. Christopher Toppan was invited to preach at the west end, Mr. Clarke having declined to carry on the work of the ministry there; and September 5, 1694, Joshua Brown, John Ordway, and Samuel Bartlett petitioned the General Court "in behalf of the Company that had erected a meeting house and supplied themselves with a minister," and yet were subjected to many annoyances and indignities because they desired to attend public worship in their own neighborhood, some of their number having been imprisoned and others fined for not delivering up the key to the meeting-house. In conclusion, they humbly requested the General Court "to take some Effectual Order, for the Relief of your Petitioners and for the Quiet of the whole Towne, the Peace whereof is now so dangerously interrupted." *

At a meeting of the inhabitants of Newbury held on the twenty-second day of October following, the election of a minister for the west end of the town was again considered; and Mr. Christopher Toppan received sixty-five votes and Mr. Tompson seventeen.

December 21, 1694 Col. Daniel Pierce Esqr. Capt Thomas Noyes, Corn^t George March & Abraham Merrill & Ensigne Joseph Little were by vote chosen to be a committee to draw up such articles and proposals as they may think most convenient in order to seting off part of the West end of the Town for y^e maintaining of y^e ministry among them & to present what they shall do therein to y^e Town at their next meeting.†

January 1, 1694-5 voted that Pipe stave hill near Daniel Jaques house shall be the place for the meeting house, and those that live nearest to that place shall pay to the ministry there and those that live nearest to the old meeting house shall pay there, the inhabitants at the West end to choose a minister for themselves, only Mr. Tompson excepted.‡ The meeting house to stand where it do until the major part of them see cause to remove it." §

* Massachusetts Archives, vol. xi., p. 81; also, Coffin's History of Newbury, p. 160.

† Massachusetts Archives, vol. xi., p. 307.

‡ Mr. Edward Tompson probably left Newbury early in the year 1695. He was ordained minister at Marshfield, Mass., October 14, 1696. (See New England Historical and Genealogical Register for April, 1861, p. 113.)

§ Town of Newbury Records.

Tristram Coffin, Henry Short, and Abraham Merrill were authorized and instructed to divide the town into two parishes; and on the eighteenth day of December, 1695, the following grants of land were recorded: —

... upon the request of the inhabitants of the West end of the town of Newbury for the settlement of the ministry then amongst them the town granted them five acres of land on the East side of Artichoke River to be Layed out so as may be most convenient for a pasture for the ministry And an acre of land near the West Meeting house for the building of a ministry house. Both which parcels of land to be layed out by a Com^{ee} chosen by the town for that end, provided always that this our grant shall not prejudice the vote of the town of Jan. 1, 1694-5 where in liberty for the removal of the west meeting house is granted And when a Major part of the inhabitants according to s^d vote shall see cause to remove the s^d meeting house that then the s^d five acres of land here in allotted for a pasture for y^e ministry for the West end of the town shall be at the disposition of the town to procure Land for y^e ministry near the West Meeting house when removed, and also y^t It shall be in the power of the Major part of y^e inhabitants of y^e West end of the town to dispose of the acre of land and housing y^t may be built there upon for the procuring of a ministry house near the s^d meeting house when removed or another one built. The town also at this meeting gives the West end power to choose a man amongst them to make assessment for the ministry and for building and repairing of the West Meeting house and for y^e building and repairing a house for the ministry.*

At the first meeting of the inhabitants of the Second parish, December 24, 1695, a committee was appointed "to build and Repair y^e West meeting house and to build and repair y^e ministry house."† In the month of February following, twenty-four persons objected to the repairing or rebuilding the meeting-house on the plains, and earnestly advocated its removal to Pipe Stave hill. July 24, 1696, the parish "voted to confirm Rev. Samuel Belcher in the work of the ministry among us." At that date the church had not been organized; but religious services had been held in the parish, and Rev. Mr. Belcher had officiated there for several months.

November ye 18th 1696 It was agreed upon that Mr Belcher with his family shall forthwith be removed from Abraham Merrills house unto

* Massachusetts Archives, vol. xl., p. 305.

† Newbury (Second Parish) Records.

Sam^l Sayers Littell Roome and the Reverend Mr Belcher is to have the liberty of the parlor chamber when he hath ocation for it.*

December 24, 1696, Joshua Brown, John Ordway, Samuel Bartlett, and John Emery were chosen "A committee for this year ensuing, for to finish the meeting house and the ministry house according to the instructions they had last year." •

Twelve months later, the parish voted "that Stephen Emery shall have twenty pounds in grain as money for building and finishing y^e gallaryes," and Abraham Merrill, John Ordway, and Richard Bartlett were chosen "to seat y^e meeting house."

October 26, 1698, a church was organized; and on the tenth day of November Rev. Samuel Belcher was ordained pastor,† the ministers and messengers of the churches at Ipswich, Rowley, Bradford, and the First church in Newbury participating in the exercises of that occasion.

December 15, 1699 voted; that there should be two men chosen to agree with Moses Chase or any other person to dig and finish a sufficient well within eight rods of the ministry house now att the west end of the towne of Newbury not exceeding in price eight pounds money.‡

Five or six years later a determined effort was made to secure a suitable lot of land and build a new meeting-house at Pipe Stave hill. This movement, however, was stoutly opposed by the inhabitants of the parish living at or near "the plains," and the work was consequently delayed for more than three years. The foundation of the new edifice was not laid until May 10, 1709.§

March 21, 1709-10 voted; that Whereas there was a committee chosen of three men to agree with a man or men to build & finish a meeting house upon Pipe Stave hill, att a meeting of y^e inhabitants of y^e west end of y^e town of Newbury on february y^e 28th, 1705-6. The inhabitants do now except & consent to what is already done by two of s^d committee on y^t account And do by their vote give full power to y^e major part of y^e committee y^t were then chosen to proceed & finish said work according to y^e time mentioned in s^d vote.||

* Newbury (Second Parish) Records, p. 3.

† Diary of Samuel Sewall, vol. I., p. 486.

‡ Ould Newbury," pp. 368, 369.

§ Newbury (Second Parish) Records, p. 14.

|| Newbury (Second Parish) Records, p. 26.

The committee appointed February 28, 1705-6, to build the meeting-house consisted of Capt. Hugh March, Sergt. John Ordway, and Lieut. Caleb Moody; but, after long delay and repeated efforts to reconcile conflicting views and opinions, Sergt. Ordway declined to co-operate with the other members of the committee.*

February 4, 1709-10, Abraham Merrill, Samuel Sawyer, Joshua Brown, Edward Sargent, Richard Bartlett, and others, numbering fifty-five in all, presented a petition to the General Court stating that the parish had voted to build a meeting-house at Pipe Stave hill, had levied taxes to defray the cost of the same, and seized the property of some who refused to pay the amount assessed. In conclusion, the petitioners humbly pray "y^t if no beter method may be found out for our relief y^t we may be Set of so far as may agree wth righteousness & Religion to maintain our minister & nministry amongst our Selves the charge whereof we chuse abundantly rather to undergo then to haue our good ends, designs and Endeuaers above s^d frustrated and mad void." †

June 2, 1710, the General Court ordered "That the Selectmen of the Town of Newbury be Served by the Petitioners with a Copy of this Petition, And That the matter be heard before this Court on ffriday the 9th Curr^t." †

On the twenty-second day of June, the councillors and representatives concurred in the adoption of a resolution declaring "That Pipe Staffe hill in the West Precinct of Newbury is the most convenient place for the Establishing of a meeting House for the whole Precinct," that Rev. Mr. Belcher should be requested to remove there when a suitable dwelling-house has been erected for his accommodation, and that a general meeting of the inhabitants of the precinct should be called to choose assessors to levy a tax, according to law, and apply the same when collected to the purchase of labor and materials for the construction of a meeting-house and parsonage. It was also resolved

That the Tax lately Levied in the s^d Precinct for the building of a

* Massachusetts Archives, vol. xl., p. 309; also, Coffin's History of Newbury, p. 177.

† Massachusetts Archives, vol. xl., p. 306; Coffin's History of Newbury, pp. 176, 177.

meeting House and Ministry House and all proceedings had there upon Be and hereby is Declared to be Illegal null and void: —

And that all persons who have been Destrained for the sum or sums Set upon them to the said Tax, have the same restored to them again with y^e necessary cost and charge they have sustained thereby.*

At a meeting of the inhabitants of Newbury held April 4, 1710, it was voted "y^t ye five acres of land allotted for a pasture towards y^e support of y^e ministry at y^e west end of y^e Town shall speedily be disposed of at y^e discretion of a Committee as shall be chosen for s^d service towards y^e purchase of a parsonage near or upon pipe stave hill, provided y^t Mr Belcher be not disposest there of till such time as s^d parsonage be procured & prepared suteably & conveniently for his reception and comfort." †

July 15, 1710, Col. Thomas Noyes, Major Henry Somerby, and Capt. Thomas Hale, for and in consideration of eight acres of land owned by Capt. Hugh March and Lieut. Caleb Moody, sold and conveyed to the said March and Moody "the aforesaid five acres of land, bounded northerly by ye road leading to Bradford, westerly by Harty Choak river, southerly & easterly by common land, which five acres of land was granted & given by y^e freeholders and Inhabitants of Newbury afores^d at a legall meeting held December 18 Anno Dom: 1695, for a pasture for a ministry and upon removal of y^e meeting House at y^e West end of y^e said Towne this pasture to be disposed of to procure an other convenient pasture for y^e ministry as by y^e said vote may appear." ‡

At a legal meeting of the inhabitants of the Second parish held two days later, Corp. Abel Huse, Hananiah Ordway, John Emery, Ensign Stephen Emery, and Tristram Greenleaf were chosen a committee "to agree with a man to build & finish a ministry house att pipe stave hill forth-with upon the eighth free hold lot."

* Massachusetts Archives, vol. xi., p. 306.

† Town of Newbury Records.

‡ Essex Deeds, book xxiv., folio 256. The land granted December 18, 1695, "for a pasture for the ministry," was on the easterly side of Artichoke river, nearly opposite the entrance to Hoyt's lane from Storey avenue, Newburyport. The house in which Mr. Belcher lived until his removal to Pipe Stave hill was probably located at or near the Sawyer hill burying-ground, on the road or way now known as Hoyt's lane.

April 19, 1711 voted, to choose a committee of three men to sell & dispose of ye ministry house that Mr Belcher now dwells in. . . . And also to take the seates and boards & Glass out of y^e old Meeting house to be improved in the New meeting house. And also to remove the old meeting house & sett it up att Pipe Stave hill to be improved for a Barn for the ministry in convenient time.*

This vote was undoubtedly intended to defeat the plan that had been matured by some twenty-five or thirty persons to maintain, at their own expense, the public worship of God in the old meeting-house. Without waiting for definite action on the part of the committee, however, a small company of men and boys came down in the night from the upper part of the parish, tore down the old meeting-house, and carried away all the materials that were of value.

Determined not to submit to these disorderly proceedings, a number of persons residing in the immediate vicinity of the plains made preparations to replace the building that had been destroyed. A severe and bitter contest followed, which led to the erection of Queen Anne's Chapel in the spring of 1712.†

The meeting-house at Pipe Stave hill was probably completed before December 7, 1711, when the parish voted to raise the sum of one hundred pounds "for defraying part of the charg of building y^e meeting house now standing upon pipestave hill," and March 5, 1712-3, "voted to give thirty-five shillings a year to Isaac Baily, or any other man, to take care of y^e meeting house and keep the key and sweep ye meeting house well & keep it cleane." ‡

Rev. Mr. Belcher was at this time quite old and infirm. He was unable to attend to his duties as pastor, although he remained in charge of the parish until November, 1713, when he removed to Ipswich, his native place, where he died March 10, 1714, aged seventy-four.

January 15, 1713-14 voted to give Rev. John Tufts seventy pounds a year so long as Mr Samuel Belcher lives, and the use of the whole parsonage, and after the decease of Mr Belcher eighty pounds a year,

* "Ould Newbury," pp. 369, 370.

† Ibid., pp. 368-386.

‡ Newbury (Second Parish) Records, p. 38.

provided the said Mr Tufts accepts the call to the ministry in the parish and preacheth a monthly lecture.*

On the thirtieth day of June, 1714, Rev. Mr. Tufts was ordained pastor of the church; and a few months later he published a small book on church music containing twenty-eight psalm tunes, with instructions for singing by note or rule. This work, probably the first publication of the kind in New England, was by many members of the church considered a daring innovation; but it ultimately led to the introduction of a greater variety of tunes and more skilful and harmonious rendering of them.

March 8, 1714-5, the parish voted to build a new barn near the parsonage house, to take the place of the old barn standing there, and also "voted not to make use of any of the old timber for y^e s^d Barn but such as is sound and good." † The same day a committee was appointed to attend to the seating of the meeting-house, and to make such alterations in the pews and benches as might be necessary in order to accommodate all the parishioners.‡

March 26, 1722-3, Abel Morss, Daniel Morss, John Worth, Edmund Greenleaf, Sergt. Thomas Hale, and Ensign Benjamin Smith were chosen "to look after the boys on Sabbath dayes and to give notice of their misdemeanours to their masters or parents . . . and the constable and Tythingmen are desired to take their turns to look after y^e boyes between meetings." §

In 1709, a stone wall was built about the burying-ground at Sawyer's hill; || and March 17, 1723-4, the parish voted to give Deacon William Morss seven pounds and ten shillings for half an acre of land "for a burying place at the north end of his land adjoyning upon y^e highway leading to Swetts ferry." ¶ At the same meeting it was voted "to buy one quarter of an acre of Ezekel Hales land for a burying place at the rate of fifteen pounds per acre unless the neighbours can find and procure a more convenient place for the above said use." **

* Newbury (Second Parish Church) Records, p. 41.

† Ibid., p. 45.

‡ Ibid., p. 47.

§ Ibid., p. 58.

|| "Ould Newbury," p. 367.

¶ Ibid., p. 59.

** Newbury (Second Parish) Records, p. 90.

In 1729, a petition for liberty to divide the parish and organize a new church was presented to the General Court. After some delay this petition was granted. June 1731, the dividing line was established; and a few months later the inhabitants on the upper or westerly side of the line organized the Fourth church in Newbury, now the Second in West Newbury.

In 1737, Rev. Mr. Tufts was accused of immorality and unchristian behavior by some of the women of his parish and on the twenty-sixth day of February, 1737-8, a council consisting of ten ministers and twenty delegates, was called to consider "the distressed state and condition of y^e second church of Christ in Newbury." Mr. Tufts vehemently opposed the investigation, and declined to co-operate with the council or question the witnesses called upon to testify against him. On the second day of March, "in consequence of the unhappy differences prevailing in the parish," he asked to be released from his duties as pastor. The church voted to grant his request; and the council, with only one dissenting voice, consented to the separation, "hoping thereby to restore harmony to the church."

November 27, 1738, the parish voted to unite with the church in calling Rev. Thomas Barnard to be their minister and on the thirty-first day of January, 1738-9, he was ordained pastor.

June 8, 1742 voted to take down y^e Turret that is on the top of y^e meeting house, and also voted to build a Convenient Place on the Beams under the Roof in y^e norwest corner in y^e meeting house to hold our proportion of the ammunition that shall be divided to us by the Town.*

From 1743 to 1747 many members of the church habitually absented themselves from public worship and from communion. Frequent efforts were made to induce these disaffected brethren to forsake the error of their ways, resume their accustomed seats on Sunday, and receive again the holy sacrament, but without success. Disheartened and discour-

* Newbury (Second Parish) Records, p. 86.

aged by the troubles and dissensions that disturbed the church, Rev. Mr. Barnard resigned his office as pastor March 6, 1749-50; but his resignation was not accepted until January 18, 1750-1.

Meanwhile, Rev. Moses Hale, of Rowley, had been invited to supply the pulpit with a view to his settlement in the parish; and on the twentieth day of February, 1750-1, he was ordained pastor. The fact, however, that he wore a wig was criticised and condemned with great severity by one of his parishioners.

May 1, 1752 The Church mett together to Deal with our Brother Richard Bartlet for his Known & publick offences which were exhibited against him in ye Church meeting as follows, viz. :—

1. That our said Brother Bartlet Refuses Communion with ye Chh for no other Reason, but because ye Pastor wears a Wigg & because ye Chh justifies him in it, herein setting up his own Opinion in opposition to ye Chh, contrary to that humility which becomes a christian.

2. And further in an unchristian manner he censures and condemns both ye pastor & Chh as antichristian on ye aforesaid account, and he sticks not from time to time to assert, with ye greatest assurance, that all who wear wiggs unless they repent of that particular sin before they die will certainly be damned, which we judge to be a piece of uncharitable & sinfull Rashness.*

For more than fifty years the wearing of wigs was considered unnatural and ungodly by some of the most worthy and devout men in New England. Judge Sewall often alludes to the subject in his diary, and frequently mentions the names of those who "abominate periwigs." Commenting on a sermon preached by Rev. Cotton Mather from the text, "Shall cut him asunder and appoint him his portion with the hypocrites: there shall be weeping and gnashing of teeth" (Matt. xxiv: 51), he wrote, under date of March 19, 1690-1,

I expected not to hear a vindication of Periwigs in Boston Pulpit by Mr Mather; however, not from that Text. The Lord give me a good Heart and help me to know, and not only to know but also to doe his Will; that my Heart and Head may be his.†

* Newbury (Second Parish Church) Records.

† Massachusetts Historical Society Collections, Fifth Series, vol. v., p. 342.

In 1758, several ineffectual attempts were made to agree upon a location for a new meeting-house. A vote to purchase a lot of land at the end of Windmill lane was passed at one meeting and reconsidered at the next. Similar action was taken in regard to several other locations during the next six or eight months. On the third day of April, 1759, however, the parish "voted to build a meeting house at the southerly end of Hanover Street," and a month later "voted to begin to take down y^e meeting house the 23rd Day of May current and to proceed Dayley if y^e weather permit till it is taken down." *

A committee was appointed to supervise the erection of the new meeting-house, which was to be, according to the plans and specifications agreed upon, fifty-four feet long, forty feet wide, and twenty-four feet high. Forty pews were built on the floor of the house, and one of them by vote of the parish was given to the minister for the use of his family.

Rev. Rufus Emery, in an address delivered October 26, 1898, on the two hundredth anniversary of the organization of the Second church in Newbury, says the meeting-house was

... an almost square building, having two rows of windows. It stood facing the south, on which side a wide door gave entrance. On the outside and opposite the door and back of the pulpit was a large round-topped window. Immediately in front of the window was the pulpit, and over it a huge sounding-board. The sounding-board was shaped like an open umbrella, closed at the bottom with panel work painted white. The upper part was colored blue, and terminated, I think, with a gilt finial, acorn-shaped. The pulpit was a large construction, the centre extending out beyond the sides. The whole top of the pulpit was covered with a cushion of blue figured damask, the edge ornamented with a fringe of ball tassels of the same color. The pulpit was reached by two flights of stairs, there being a landing between them. In front of the pulpit and entered from the landing were the elders' or deacons' seats. I do not remember seeing any of the officers occupying them. The only officers I remember seeing in this pew were the moderator and town clerk on occasions of town meeting. In front of the deacons' pew was an immense table leaf extending the whole length and reaching to the floor. It was only used on communion days.

* Newbury (Second Parish) Records, p. 125. This meeting-house was on Pipe Stave hill, near the residence of Mr. Eben Moody Boynton, in West Newbury.

In front of the table stood the large wood-stove, which warmed the house in winter. There were galleries on three sides of the house. The front gallery formed the singing seats, and was gained by stairs at each end. At the head of the flights of stairs were two square pews, which seemed of no use unless it was to balance two similar ones on the north wall of the house, at the ends of the east and west galleries. There was a row of pews all around the house against the walls, which were raised two steps higher than the others. The side galleries were furnished with two rows of long wooden seats, under which in the western gallery was stored the winter's supply of fuel.

Before the meeting-house was completed, Mr. Moses Little and many others, residing at the easterly end of the parish, applied to the General Court for liberty to organize a new church. In the month of February, 1761, a committee was chosen to prepare and present to the councillors and representatives a statement of the reasons why the prayer of the petitioners should not be granted; * but, on the seventeenth day of April following, the General Court ordered that a part of the Second and Third parishes, within certain bounds and limits, should be set off and established as the Fifth parish in Newbury.

October 8, 1765, the inhabitants of the Second parish voted to sell "the land where the old meeting house stood [on Pipe Stave hill] to Willet Peterson at the rate of thirteen pound, six shillings and eight pence the acre and give a Quit Claim Deed." †

On the ninth day of October, 1771, they voted to give Samuel Brown liberty to build at his own cost "A pew or seats in the meeting house over the Gallery Stairs at the South West Corner of the meeting house for the negroes to set in." ‡

Rev. Moses Hale died January 15, 1779. The funeral expenses were paid by the parish, and a suitable tombstone was provided to mark his grave. For more than three years after his death the church had no settled minister. On the twentieth day of November, 1782, Rev. True Kimball was ordained pastor. He resigned on account of ill-health April

* Newbury (Second Parish) Records, p. 132. † Ibid., p. 141. ‡ Ibid., p. 154.

CHURCHES AND PASTORS

4, 1797, but was allowed the use of the parsonage January 1, 1798.

Rev. Samuel Tomb, a Presbyterian clergyman of Sa N.Y., was engaged to carry on the work of the ministr the parish for one year from November 1, 1797; and on twenty-sixth day of June following he was invited to be pastor of the church. He was evidently inclined to ac the invitation; and probably through his influence the pa voted August 2, 1798, to adopt the Presbyterian form church government, and again invited him to become t pastor. This invitation was renewed October fifteenth, accepted on the twentieth-seventh. He was installed on twenty-eighth day of November following. Many of parishioners were dissatisfied with his views of church g ernment; and after a stormy pastorate of seven years resigned, and removed to another field of labor in his nat state.

March 25, 1806, a committee was appointed "to supply t vacant pulpit"; and February 17, 1807, the parish voted return to the Congregational form of church governme An unsuccessful effort was made to induce Rev. Josiah W ster to accept the office of pastor, and on the eighth day March, 1808, the parish voted to concur with the church extending a call to Rev. Ebenezer Hubbard. He accept the invitation, and was installed pastor of the churc October 2, 1811, the parish "Voted to agree with the Char in accepting the resignation of Rev. Mr. Hubbard."

After a vacancy of three years the church and parish i vited Rev. Gilbert T. Williams to become their pastor. I was installed June 1, 1814, and held the office for seven year On the twenty-sixth day of September, 1821, the chur voted to release him from his pastoral duties; and on t first day of October following the parish passed a simil vote.

When the town of Parsons was incorporated, February 1 1819, and the name changed to West Newbury, June 1 1820, the Second church in Newbury became the Fi church in West Newbury, a name that it still retains.

For nearly five years from October 1, 1821, the church was without a pastor. June 21, 1826, Rev. Henry C. Wright was installed; and July 7, 1833, he was dismissed at his own request.

Subsequently the pulpit was supplied for several years by clergymen from neighboring towns, who were invited to take charge of the parish temporarily.

During the summer of 1841 the meeting-house, built in 1760, was taken down; and a new house of worship, that is still standing, was erected on the site of the old one at the corner of Hanover street and the Bradford road, West Newbury, and dedicated December 22, 1841.

Rev. Henry A. Woodman was installed pastor November 30, 1842, and dismissed March 1, 1844. He was succeeded by Rev. Horatio Merrill, who was installed April 4, 1845, and dismissed in the month of August, 1847.

After a long interval, during which the church was again without a settled pastor, Rev. Charles D. Herbert was installed March 5, 1857, and dismissed by a council of churches April 17, 1865. Since that date the church has been under the pastoral care of clergymen employed from month to month or year to year to carry on the work of the ministry there. The names of those who occupied the pulpit for six months or more are as follows:—

Rev. James W. Ward, jr., from July, 1865, to June 24, 1866.

Rev. Horace Dutton, from October 21, 1866, to June 2, 1867.

Rev. Luther H. Angier, from November 10, 1867, to March, 1868.

Rev. Nathaniel Laselle, from August, 1869, to September, 1873.

Rev. James Tarlton, from December, 1874, to July, 1875.*

Rev. Charles Dame, from January, 1877, to April, 1881.

Rev. Charles D. Herbert, from June, 1881, to May, 1886.

Rev. Ezra B. Pike, from June, 1886, to March, 1890.†

Rev. Samuel Evans, from April, 1890, to March, 1891.

Rev. William W. Parker, from June, 1891, to May, 1892.

* Rev. George Dole officiated from September, 1875, to December, 1875. In 1876, the vestry in the rear of the church was built; and Rev. Daniel P. Noyes, of Byfield, was engaged to supply the pulpit from October, 1876, to January, 1877.

† During the spring and summer of 1886 the meeting-house was repaired and repainted. The old-fashioned mahogany pulpit was removed and replaced by a modern one. The morning service at half-past ten o'clock was discontinued in 1887. The afternoon service is still held at two o'clock, as usual, preceded by a Sunday-school beginning an hour earlier.



SECOND PARISH MEETING-HOUSE.

BUILT IN 1841.

Rev. Vincent Moses, from July, 1892, to June, 1896.*

Rev. William B. T. Smith, from January, 1897, to the day of his death, January 18, 1898.

Rev. Charles H. Coolidge, from September, 1898, to April, 1901.

Rev. John Graham, from October, 1901.

CONGREGATIONAL CHURCH AT BYFIELD.

In 1702, the farmers of Newbury, near Newbury Falls, and the inhabitants of Rowley "living on the northwest side of Rye Plain Bridge" erected a meeting-house at or near the dividing line between the two towns, and soon after invited Rev. Moses Hale to carry on the work of the ministry there. The church probably was not organized until three or four years later; but the exact date cannot be given, as the church records previous to 1744 have been lost or destroyed.

Rev. Mr. Hale was ordained November 17, 1706; and the parish was incorporated by the General Court October 28, 1710. Subsequently, Hon. Nathaniel Byfield, of Boston, for whom the parish was named, gave a bell, weighing two hundred and twenty-six pounds, that for more than a century called the inhabitants together on Sundays and lecture days. Rev. Mr. Hale retained his office as minister until his death, January 12, 1743.†

On the twentieth day of June, 1744, Rev. Moses Parsons was ordained pastor of the church. The old meeting-house was taken down; and during the summer of 1746 a new one was erected on the same site, "fifty six feet long, forty five feet wide; with a steeple surmounted by a gilded weather cock."

Eben and Theophilus, sons of Rev. Moses Parsons, were born at Byfield during his ministry there. The first became a wealthy merchant of Boston, with a stately summer residence at Newbury Falls that he named "Fatherland Farm," and the latter an eminent lawyer, for seven years chief-justice of the Supreme Court of Massachusetts.

* Rev. Mr. Moses was the first occupant of the new parsonage, at the corner of Chase street and the Bradford road, after its purchase by the society in the spring of 1892.

† "Old Newbury," pp. 291-302.

In 1761, Lieutenant-Governor William Dummer, who had for many years been a firm and generous supporter of the church at Byfield, died, and by his will bequeathed the income of his estate in Newbury for the support of a grammar school. During the following year a school-house was erected on the Dummer farm at Byfield, and dedicated February 28, 1763, Rev. Mr. Parsons preaching a sermon appropriate to the occasion from the text, "But the liberal deviseth liberal things, and by liberal things shall he stand." The school is still in successful operation, and is known as Dummer Academy.*

At the close of the Revolutionary war, a fierce controversy between Rev. Mr. Parsons and Deacon Benjamin Colman led to the suspension of the devout anti-slavery deacon "from the fellowship and communion of the church till he does by repentance and confession give christian satisfaction for the offence he has committed." At that time Rev. Mr. Parsons was the owner of three slaves, and Deacon Colman asserted that his pastor "was guilty of the wicked practise of man stealing," "that he could justly be called a thief," and "that he had offered to sell his slave 'Violet' for a large sum of money."

These charges were presented at a meeting of the church held December 21, 1780. After a prolonged hearing the pastor was acquitted of either wilfully or wickedly violating the divine law; but Deacon Colman was suspended from his office, and censured for his intemperate zeal. Rev. Moses Parsons died December 14, 1783; and nearly two years later the worthy deacon, having confessed that he had been imprudent and unnecessarily severe in his treatment of the late pastor, was restored to fellowship and communion with the church, and reinvested with the powers and privileges that he formerly enjoyed.†

Rev. Elijah Parish, D.D., was ordained pastor of the church December 20, 1787. He was a strong and earnest advocate of the new theology called "Hopkinsianism"; and some of the inhabitants of the parish, dissatisfied with his theological

* "Ould Newbury," pp. 313-325.

† Coffin's History of Newbury, pp. 342-350.

views and opinions, withdrew from the church in 1794 and formed a Presbyterian society. After a precarious existence of nearly ten years the society was dissolved; and the meeting-house in which services were held was, by permission of the General Court, sold to Deacon Benjamin Colman, who removed it to a more convenient location near the old parsonage, and subsequently converted it into a young ladies' seminary. Miss Harriet Newell, Miss Mary Lyon, and other women of note were among the pupils educated there.

Rev. Dr. Parish was an able and interesting preacher. In 1810, he delivered a sermon before the governor, councillors, and members of the General Court that created considerable excitement at that time. Quotations from the sermon will be found in a speech made by Hon. Robert T. Hayne, of South Carolina, in the United States Senate, on nullification, to which Hon. Daniel Webster replied.

Several sermons in pamphlet form were published by Rev. Dr. Parish during his lifetime. He also, in connection with Rev. Jedidiah Morse, of Charlestown, Mass., published a gazetteer of the Eastern and Western continents, a sacred geography and gazetteer of the Bible, and a history of New England designed for schools and private families.*

In 1817 the bell presented to the parish by Judge Byfield was removed, and a larger one, the gift of Eben Parsons, Esq., of Fatherland Farm, was put in its place.

During his ministry Rev. Dr. Parish won the confidence and esteem of his parishioners. At his death, October 15, 1825, his friends asserted that "there was not a more united parish in the State."

Rev. Isaac R. Barbour was installed pastor of the church December 20, 1827. He was deeply interested in the questions of the day, and alienated many of his friends by the vigorous measures that he favored for the suppression of the sale of liquor and the use of it as a beverage. His sym-

* The first edition of the *History of New England* was published in 1804, and the second edition in 1809 by Thomas & Whipple, booksellers, No. 3 State street, Newburyport. Some of the friends of Miss Hannah Adams contended that this book was an infringement of the copyright granted her in 1799 for a similar work. A long and bitter controversy followed; but it is evident, from a careful examination of the general design, style of treatment, and subdivision of subjects in the two histories, that the charge cannot be sustained.

A few weeks later the parish accepted the resignation of Rev. Mr. Barbour, to take effect May 1, 1833.

Plans for a new meeting-house were prepared and adopted without delay. The corner-stone was laid in the month of May; and November 7, 1833, the new house of worship was dedicated. A new bell, weighing over one thousand pounds, was purchased by the parish, and hung on the framework provided for it in the steeple. In September, 1886, through the personal efforts of Mrs. A. B. Forbes, of Fatherland Farm, and other inhabitants of the parish, another and larger bell was purchased and hung in the belfry, to take the place of the old one, which was badly worn and cracked.

When the new meeting-house was completed, the pews were sold, and the money used to defray the cost of the building. In 1834, the pew-owners were incorporated by the General Court, and authorized to hold real estate and personal property, for parochial purposes, under the name and title of "The Proprietors of the Byfield meeting house."

December 25, 1833, Rev. Henry Durant was ordained pastor of the church. He resigned September 15, 1847, to take charge of Dummer Academy; but his resignation was not accepted until March 31, 1849.

Rev. Francis V. Tenney, a native of Newburyport and a graduate of Amherst College, was installed pastor March 7, 1850. He resigned March 22, 1857; and on the twenty-second of April following he was dismissed by a vote of the council of churches called to consider and advise with him in regard to his proposed removal to another field of labor.

June 16, 1858, Rev. Charles Brooks, the seventh pastor of the church was settled. His resignation was accepted November 11, 1863.

For nearly twelve years after that date the church was without a settled pastor. In 1865, Rev. Moses E. Searle supplied the pulpit for about five months. He died, suddenly, January 6, 1866. He was succeeded by Rev. Joshua S. Gay, who conducted the services for several years. From 1870 to 1875, Rev. William S. Coggin of Boxford officiated on Sundays, and the deacons of the church had charge of the meetings held on week-days.

CHURCHES AND PASTOR

Rev. James H. Child was ordained pastor. He resigned, on account of ill-health, Dec. 1887. Since that date the pastors of the church have been: George L. Gleason, installed September 1887; October 2, 1888; Rev. David C. Torrey, installed April twentieth to take effect May 1888.

QUEEN ANNE'S CHAPEL

A few months after the meeting-house in Newbury was burned down by a disorderly company of men at the upper or west end of the parish," a strenuous effort was made by a few individuals residing near Sawyer's hill to erect a new building on a road, near the dividing line between the parishes, and to employ, at their own charge, a reliable person to carry on the work of the church. Lumber and other materials needed for the building were purchased; and the frame was erected and ready to be set up, when a committee from Pipe Stave hill, under the pastoral care of Rev. Mr. Belcher, remonstrating against the exercise of authority, appealed to the General Court for aid.

July 19, 1711, "in answer to the petition of the inhabitants of the West Precinct in Newbury," the magistrates, with the approval of the governor, directed that the persons named in the petition desist from their proceedings to erect an intended Meeting House until there be a final decision in the matter before this Court." †

This advice was evidently unheeded; for on the fourth day of August, Capt. Hugh March petitioned to the General Court stating "that

* See The History of the Byfield Congregational Church, published in 1888, for additional facts in relation to the organization and history.

† Massachusetts Archives (Court Records), vol. ix., p. 133.

the West Precinct of Newbury have raised & in part covered a house intended for a meeting house, notwithstanding the advice and direction of this Court on the nineteenth of July last, to desist until there had been a hearing."

The Court ordered that Samuel Bartlett, John Ordway, Deacon Joshua Brown, Joshua Bailey, Skipper Lunt, & Pennel Titcomb be now served by the sheriff with a Copy of the order of this Court of the 19th of July past, strictly forbidding them & their associates Proceeding in the Work of their intended Meeting House, untill there be a Hearing of that Affair as by the said order is directed, and that the said Persons be summoned by the Sheriff to attend this Court on the second Wednesday of their session in the Fall to answer for their contempt of the afore-said order.*

November 2, 1711, Upon hearing the case of Newbury referring to the house late pretended to be raised for the publick worship of God on or near deacon Joshua Browns land, contrary to the direction of y^e court, of w^{ch} there is no present necessity. It is ordered that the building of the said house be not proceeded in upon any pretence whatsoever but that the division of the town into two precincts between the old meeting house & that upon Pipe staff Hill be the present division of the auditory, & is hereby confirmed & established, & all Persons concerned are to yield obedience accordingly; and that the Disorders that have been in the proceedings about the said House in Browns land be referred to the next sessions of y^e peace in Essex.†

In this emergency Abraham Merrill, Joshua Brown, Samuel Bartlett, and a few others, anxious to finish the building on which work had been stopped by order of the General Court, applied to Mr. John Bridger for advice and assistance. He was a zealous churchman, living at that time in Portsmouth, N.H., having been appointed "Surveyor General of Woods in America" December 24, 1705, which position he held for ten or fifteen years, marking with the queen's broad arrow trees reserved for the use of her Majesty's navy, and instructing the inhabitants in the art of "making pitch and tar, curing hemp &c." ‡ Through his influence a petition signed by John Bartlett, Joshua Brown, Joseph Annis, and Samuel Bartlett was presented to the bishop of London, humbly beseeching him to send a minister to officiate in the church to

* Massachusetts Archives (Court Records), vol. ix., p. 142.

† Ibid., pp. 159, 260.

‡ Palfrey's History of New England, vol. iv., pp. 399, 401.

be built, and called Queen Anne's chapel by the petition and other inhabitants of the town of Newbury.

The building was probably finished previous to August 1712; and it was evidently used for public worship, accord to the rubrics and ritual of the established Church of England by Rev. Henry Harris, one of the ministers of King's chapel Boston, who came to Newbury on several occasions, remaining fourteen days at one time.

It was the second Episcopal church erected in Massachusetts; and the parish in which it was located — now including the towns of Newbury, Newburyport, and West Newbury — at the present time the oldest parish subject to the Episcopal form of church government and discipline in the diocese.

Rev. John Lambton had charge of the services at Queen Anne's chapel from November 14, 1713, until the following autumn, having been transferred from her Majesty's ship "Phenix" at the request and with the approval of General Francis Nicholson, commander-in-chief of the expedition against Port Royal, and afterwards governor of Nova Scotia.

During his ministry the following petition was signed by the officers and communicants of the church, and sent to England: —

To the Hon'ble & Venerable the Society for the Propagating the Gospel in Foreign Parts:

We out of our ardent Love and Affection that we have for the Worship of God now professed amongst us according to the Liturgy of the Church of England humbly lay before you the necessity we have of long time had of a Minister duly qualified according to your instruction in that behalf directed to read and preach the Word of God unto us. We return you humble thanks for the Twenty pounds we have received from General Nicholson whose piety and unbounded Charity needs no encomium, whose arrival has cheered our drooping spirits and in some measure released us from the oppression of our adversaries, as likewise for the Ten pounds given to Mr John Lambton, Chaplain to her Majesty's Ship Phenix, which is appointed to attend this Government, who is willing to officiate here till further orders from the Hon'ble Society praying that he may have the Salary during the time he is as Missionary here. We are not so fixed as we desire as to our number, but hope our increase will answer the ends expected. For the present

are only able to give Forty pounds per annum, the Minister but just come among us, but hope in a small time to advance that sum.

The Books and other things which are usually sent along with the missionary would be very useful for the continuance and establishing us in the true worship of God and Instrumental in bringing others over who are inclining that way that in all human appearance here will be a flourishing Church. We only beg your Gracious, speedy and satisfactory answer, Beseeching Almighty God to bless all your pious undertakings is the prayer of

JOHN LAMBTON, *Minister*

JOSHUA BROWN } *Church*
ABRAHAM MERRILL } *Wardens*

SAMUEL BARTLET, }
ABIEL LONG, } *Vestrymen*
SAM^L SAWYER, }
JOSHUA BROWN, JUN }
JOHN BARTLET, }
JOSEPH BAYLY, }

TRISTRAM BROWN
JOSIAH WEAVER
NATH^L BARTLETT
RICH^D WILLIAMS
THOMAS BROWN
THOMAS BARTLETT
JOSEPH ANNIS
SKIPPER LUNT
JOHN EAYR
ISAAC ROGERS
JOHN BARTLET
JOHN BARTLETT 3RD
RICHARD BARTLET
DAN^L OSILAWAY
JOHN MERRILL
W^M HUSE
ROBERT ROGERS
NICH^O DAVISON
BENJA^A SAWYER
THOS FOLLANSBA *

In answer to this petition, "The Society for the Propagation of the Gospel in Foreign Parts" appointed Rev. Henry Lucas minister of the church at Newbury. He arrived September 17, 1715, and immediately entered upon the duties of his office. In spite of many discouragements and disappointments, he remained in charge of the parish until his death, August 23, 1720. During his ministry Queen Anne's Chapel was presented with a bell by the bishop of London. In a letter to Mr. Humphreys, secretary of the above-named society, John Bridger (or Bridges, as his name is sometimes printed) wrote May 19, 1718:—

* Historical Collections of the American Colonial Church, vol. iii., pp. 93, 94.

Wardens in the Queen's Chappel in Newbury, builte within the South Doore Joyning to Thos. Bartlets pew, a pew given to the above saide church for a seate for the Church Wardens to sitt in for Ever." *

November 10, 1726 voted that ye Gallerys be builte, forthwith, under the direction of the minister & church wardens.*

In 1738, Rev. Mr. Plant consented to the erection of a new church near the business centre of the town, and subscribed the sum of fifty pounds as his proportion of the cost of the same. A lot of land was purchased, and a building, "called St. Paul's Church," was erected thereon. February 3, 1742, Rev. Mr. Plant was chosen minister, and arrangements were made with him to preach in the church every other Sunday. Some differences of opinion in regard to the appointment of church wardens and the control of the pulpit led to a serious disagreement that was not settled for eight or nine years. During this interval Rev. Mr. Plant officiated occasionally in St. Paul's church, but devoted most of his time and attention to Queen Anne's Chapel. In a note-book in which he recorded some of the important events of that time he wrote,

June 3, 1743 returned from ye Convention which was held at Rhode Island and got home ye 9th of June.

July 21, 1745 then I began to preach in ye new church by ye water side by order of ye society.

During the remainder of that year and the year following Rev. Mr. Plant preached in the new church once a month; but the number of hearers was small, often not more than six or eight men and about as many women.

Meanwhile the services in Queen Anne's chapel were held on Sundays and holy days, with but few interruptions; and many worshippers assembled there to offer devout prayers, and join in the songs of praise. In 1750, the chapel was repaired at a cost exceeding one hundred pounds. Of this sum Rev. Mr. Plant contributed nearly one-half. Two years

* Records of Queen Anne's Chapel.

ing to the Rubric of the Church of England, do desire and do make choice of the Rev. Matthias Plant as our Minister to officiate and carry on the said worship in said church of St. Paul's, in Newbury aforesaid, — in witness whereof we have hereunto set our hands this day and year above written.

JOS ATKINS	ANTH ^o GWYNN	
THOMAS SMITH	WM ATKINS	MICHAEL DALTON
JOSEPH COTTLE	THOS WOODBRIDG	EDMUND COTTLE
WITTER CUNINGS	BENJN HARRIS	<i>Church Wardens.*</i>
WM JENKINS	AMBROSE DAVIS	

Owing to some differences of opinion in regard to his rights and privileges as minister of the church, Rev. Mr. Plant was not inducted into office until several years later.

September 30, 1747, he notified the wardens and vestrymen of the church that he would gladly meet and confer with them in regard to his appointment "as chief minister of the whole parish,"* and two or three weeks later received the following note in reply: —

We received your favor of ye 10th Instant & many of ye Church people being absent prevented the answer until now; as your favor is directed to ye church wardens & Proprietors we have determined to have a meeting of ye Proprietors on friday next at ten of ye clock in ye forenoon at St Pauls Church & pray you'll favor us with your presence & we doubt not that matters can be accommodated in a friendly manner, as we have no views to answer but ye good of ye community & as speedily as possible have an agreeable gentleman seated in ye church which we shall endeavor shall be to your good liking & satisfaction as well as ourselves; we are Reverend Sir,

Your most Humble Servants

To the Reverend
Mr. Matt Plant.

THO^s TANNETT } *Chh*
JN^o CROCKER } *Wardens.**

The conference evidently did not result in an immediate settlement of the questions in dispute, as Rev. Mr. Plant was not inducted into office as rector of St. Paul's church until June 24, 1751.† Meanwhile Mr. Edward Bass, who had been studying for the ministry, was selected to assist in the work of the parish. He was sent to England and admitted to holy orders by the bishop of London May 24, 1752.

* Rev. Matthias Plant's Note Book or Diary.

† "Ould Newbury," pp. 401, 402.

Rev. George Whitefield preached his first sermon in Newbury to an immense audience that occupied all the available space in this large and commodious edifice.

The enthusiasm aroused by this famous preacher led to the organization of a new religious society; and in 1743 more than thirty members asked for letters of dismissal from the Third Parish church, in order that they might join the new organization. This request was refused; and several similar requests made during the next two or three years shared the same fate. At length the "new lights," or "new schemers," as they were called, resolved to put an end to the controversy; and, acting upon their own responsibility, they applied for admission to membership in the First Presbyterian church. After due deliberation their request was granted October 16, 1746.

February 9, 1754, the steeple of the meeting-house in Market square was struck by lightning, and considerable damage done to houses in that neighborhood. Benjamin Franklin, who visited Newbury in the month of November following, wrote an interesting account of the effect of the lightning upon the church steeple, and the protection furnished by a small wire that conducted the electricity in safety through the bell-tower, clock, and pendulum to the ground. This account was communicated by letter to a friend in Paris, and read before the Royal Society of London, December 18, 1755.

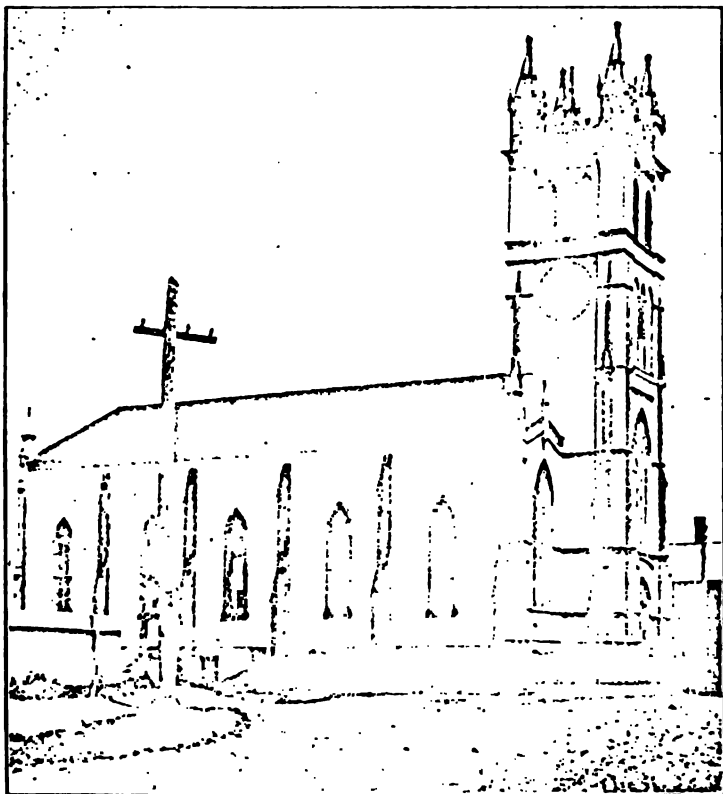
Rev. John Lowell died May 15, 1767; and his successor, Rev. Thomas Cary, of Charlestown, was ordained May 11, 1768.

When Newburyport was incorporated in 1764, the name and title of the Third Parish church was changed to "The First Religious Society in Newburyport." From that date the history of this church or religious society belongs to the municipality of which it now forms a part.*

*For additional facts and incidents connected with the Third Parish church see "Old Newbury," pp. 430-447.

in Woodman's lane, now Maple street, West Newbury. This new house of worship was dedicated January 5, 1816.

Rev. Mr. Kirby sailed for Charleston, S.C., in 1818, for the benefit of his health. The vessel in which he took passage



FOURTH PARISH MEETING-HOUSE.

BUILT IN 1815.

REMODELLED AND ENLARGED IN 1856.

was wrecked on Ocracoke bar on the coast of North Carolina, and he was washed overboard and drowned December 5, 1818.

The town of Parsons was incorporated February 18, 1819; but by an act of the General Court passed June 14, 1820, the name of the town was changed to West Newbury, and subsequently, by a vote of the parish, the name of the Fourth

CHURCHES AND PASTORS

church in Newbury was changed to the Second church in West Newbury.

Since that date the pastors of the church have been :

<i>Name.</i>	<i>Ordained.</i>	<i>Dismissed.</i>
Rev. Elijah Demond	March 7, 1821	September 14, 1827
Rev. Paul Couch	March 27, 1827	August 14, 1832
Rev. John Q. A. Edgell	September 17, 1832	October 27, 1855
Rev. Davis Foster	November 1, 1855	September 14, 1871

In 1856, during the ministry of Rev. Mr. Foster, the meeting-house was removed to its present location, near the intersection of Church street (West Newbury) and the Broadway. It was remodelled and enlarged ; and on the twelfth of March, 1857, it was reopened and rededicated to the service of God.

June 13, 1872, Rev. Seneca M. Keeler was ordained pastor : dismissed February 18, 1878.

September 18, 1888, Rev. William Slade was ordained pastor : dismissed April 22, 1891.

December 2, 1891, Rev. F. B. Noyes was ordained pastor : dismissed December 6, 1897.

Since that date the church has been without a settled minister.

Rev. Elbridge P. McElroy supplied the pulpit from March, 1871, to July, 1871.

Rev. M. A. Dougherty, from April, 1879, to January, 1884.

Rev. William P. Alcott, from February, 1884, to October, 1886.

Rev. F. H. Boynton, from November, 1886, to December, 1887.

Rev. C. F. Clarke, from January, 1898, to November, 1899.

Rev. George A. Martin, from December, 1899, to March, 1902.

FIRST PRESBYTERIAN CHURCH.

Two years after the first visit of Rev. George Whitcomb to Newbury, a few earnest and devout friends and followers of the great evangelist erected a small house of worship on the easterly side of High street, a few rods from the easterly corner of King street, now Federal street, Newburyport, and employed Rev. Joseph Adams, of Byfield, a

ate of Harvard College, to carry on the work of the ministry there. Although zealous and faithful, the young preacher was sometimes indiscreet, and failed to win the support and confidence of the people to whom he ministered.

November 25, 1745, more than one hundred members of the First Parish church, dissatisfied with the theological views of the pastor, Rev. Christopher Toppan, and the assistant pastor, Rev. John Tucker, signed an agreement to withdraw from communion with that church, and unite with the new society in extending a call to Rev. Jonathan Parsons, of Lyme, Conn., to become their spiritual adviser and teacher.

On the third day of January, 1745-6, a few of the subscribers to this agreement organized a church, and mutually covenanted and agreed "to walk together as a church of Christ according to the rules and order of the gospel." The members of the First Parish church who were opposed to the settlement of Rev. Mr. Parsons in Newbury; and "objected to his officiating on the Lord's day to any of ye Brethren of this and the neighboring churches," appointed a committee, February 13, 1745-6, to confer with him upon the subject, and also to ascertain from the church at Lyme, Conn., the truth or falsity of some statements that had been circulated in regard to his theological views and the influence that he exerted while in the ministry there.

Without waiting for the consent or approval of the churches in Newbury, Rev. Mr. Parsons accepted the invitation that had been extended to him by the members of the newly organized society to become their pastor. The installation exercises were simple and impressive. At a meeting called for that purpose March 19, 1745-6, the pastor-elect delivered a sermon appropriate to the occasion. Some letters and testimonials upholding his theological views were read. Then, standing with uplifted hand before the congregation, he said, "In the presence of God and these witnesses I take this people to be my people"; and the clerk, rising and speaking for the church and the congregation, said, "In the presence of God and these witnesses we take this man to be our minister."

Under the law of the province of Massachusetts the members of the new society were compelled to pay taxes for the support of public worship in the parishes where they resided, unless, like Quakers, Episcopalians, and Anabaptists, they obtained permission to attend public worship elsewhere. Although vigorous efforts were made to amend or repeal the law, the General Court was not inclined to grant the relief asked for.

April 7, 1746, the newly organized church elected six ruling elders, and in the month of October following admitted thirty-eight members from the Third Parish church without credentials or letters of dismission from that church. These unusual proceedings were followed by the adoption of a resolution, September 15, 1748, to unite with the presbytery of Boston upon certain specified conditions. These conditions were accepted by the presbyters at a meeting held a few weeks later.

In the months of October and November following, several petitions were presented to the General Court asking that the inhabitants of Newbury might be released from the payment "of taxes and charges for the support of any minister of any society except for the support of the minister where they usually attend publick worship." Although William Shirley, then governor of the province, endeavored to secure for them the privileges asked for, the General Court, after a prolonged hearing, refused to grant the prayer of the petitioners.

During the next ten or fifteen years several attempts were made without success to obtain relief from the burden of "double taxation." The struggle was continued until after the adoption of the constitution of the state of Massachusetts; and some of the questions involved in the controversy were not finally settled and disposed of until June 17, 1796, when the General Court passed "An Act authorizing the First Parish in Newbury to discharge from taxation, for the support of Public Worship in said Parish, such Persons within the limits of said Parish as attend Public Worship in any other Religious Society, and are willing to be subject to taxation in such society."

Meanwhile a larger and more convenient meeting-house was erected on a lot of land on the corner of Chandler's lane, now Federal street, "and a way two rods broad," now School street, Newburyport.† The frame of this new house of worship was raised July 5, 1756, and religious services were held in the unfinished building in the month of August following. The steeple was not completed until three or four years later. Samuel Pettingell, while at work upon it, fell to the ground September 10, 1759, and was instantly killed.

The meeting-house is still standing within the territorial limits of Newburyport. The large square pews, the high pulpit, and the sounding-board, hung by rods from the ceiling, have been removed, and other alterations and improvements made, practically transforming the old edifice into a new one. The heavy oak frame, however, still remains undisturbed, showing no signs of weakness or decay.

Since the incorporation of Newburyport the church over which Rev. Jonathan Parsons was installed pastor in 1746 has been, and still is, known as "The First Presbyterian Church in Newburyport"; and its history from and after 1764 is identified with and forms a part of the history of that town.‡

FIFTH PARISH CHURCH.

April 17, 1761, the territorial bounds and limits of the Fifth parish in Newbury were established by the General Court.‡ At that date services according to the ritual of the Church of England were held only once a month in Queen Anne's chapel, which was located near the centre of the new parish. Early in the month of June, 1761, a few persons interested in the organization of a Congregational church in that neighborhood met in the chapel without having asked or obtained permission to use the building. Rev. Edward Bass, in a letter dated June 9, 1761, protested against this disorderly conduct, and subsequently applied for advice and

‡ Essex Deeds, book cxlii., leaf 304.

† For a more extended account of the First Presbyterian church see "Old Newbury," pp. 308-325; also, "The Origin and Annals of 'the Old South' First Presbyterian Church and Parish in Newburyport," published in 1896 by Damrell & Upham, Boston.

‡ See *ante*, p. 238.

assistance to the governor of the province, who recommended the wardens and vestrymen to grant the inhabitants of the Fifth parish liberty to use the chapel when unoccupied until a new meeting-house could be erected, "they disclaiming all right to the church and disavowing the force that has been used by them." This recommendation was consented to and approved by the Society for the Propagation of the Gospel in Foreign Parts, in London, February 19, 1762.*

During the following summer a meeting-house was built on Meeting-house lane, now Noble street, Newburyport; and July 22, 1762, the Fifth Parish church was organized. Rev. Oliver Noble, the first and only minister of the church, was settled September 1, 1762. The society was never very prosperous and for many years maintained a precarious existence. Rev. Mr. Noble, in spite of many difficulties and discouragements resulting from some injudicious business transactions, in which he was involved, retained possession of his office until the spring of 1784, when, by mutual consent, a council was called to dissolve the connection between pastor and people. Only two churches responded to the call. The pastors and delegates of the church at Hampton Falls and the church at Greenland, assembled in Newbury for consultation and conference, "not as an ecclesiastical council," but as individual churches, unanimously agreed April 28, 1784, that the separation should take place. A few months later Rev. Mr. Noble was ordained or installed minister of the church at Newcastle, N.H., where he remained until his death, December 15, 1792.

Religious services were held in the meeting-house of the Fifth parish for several years after the resignation of Rev. Mr. Noble; but the congregation gradually diminished in numbers, and before the beginning of the nineteenth century services were discontinued, and the church was practically extinct. In 1808, during a violent storm, the neglected and weather-worn meeting-house was blown down and completely destroyed.

Meanwhile the Fifth parish, by the incorporation of New

* "Life and Times of Edward Bass," by Rev. Daniel D. Addison, pp. 65-67.

buryport in 1764, became the Fourth parish in Newbury. A few individuals, anxious to revive and re-establish the Congregational church in that parish, agreed, January 8, 1807, to build a new meeting-house. They selected a lot of land, owned by Dr. Micajah Sawyer, on High street, near the corner of Poore's lane, or Moody's lane, now Woodland street, Newburyport,* and erected a house of worship that was dedicated November 24, 1807.

"The Proprietors of a New Meeting House in the Fourth Parish in Newbury" were incorporated by a special act of the legislature passed March 4, 1808.† The old church was revived, or a new one organized, previous to April 2, 1808. Rev. James Miltimore was installed pastor April 21, 1808. The meeting-house was struck by lightning and completely destroyed April 1, 1816. A new one was built without delay, and dedicated November 7, 1816.

In 1819, the town of Parsons, now West Newbury, was incorporated; and the name of the parish in which Rev. Mr. Miltimore officiated was again changed to the Second parish in Newbury. Rev. John C. March was ordained assistant pastor March 1, 1832. After the death of Rev. Mr. Miltimore, March 23, 1836, Rev. Mr. March had entire charge of the church and parish until his decease, September 26, 1846.

Rev. Daniel T. Fiske was installed pastor August 18, 1847. In 1851, the parish, with some additional territory, was set off from Newbury and annexed to Newburyport; and the name of the church was changed to "The Belleville Congregational Church and Society of Newburyport." January 8, 1867, the meeting-house was destroyed by an incendiary fire. A new house of worship was erected during the following summer, and dedicated December 24, 1867.

Rev. Dr. Fiske was relieved, at his request, by a vote of the parish in 1887, from some of the burdens and active duties of his office; but, at the earnest solicitation of friends, he consented to remain as senior pastor of the church, and still retains that position. The fiftieth anniversary of his ordina-

* Essex Deeds, book clxxxvii., leaf 172; also, book cxciil., leaf 79.

† See chap. 86, Acts of 1807-08.

SOCIETY OF FRIENDS.

Members of the religious society, or sect, commonly called Quakers visited Newbury at a very early date, on their way to other towns in Maine and New Hampshire. In 1663, Lydia Wardwell, of Hampton, N.H., was sentenced by the court at Salem to be severely whipped "for coming naked into Newbury meeting house," and at the same court John Emery was indicted "for entertaining Quakers" at his house in Newbury.*

The Society of Friends held "quarterly meetings" in Hampton as early as 1697, and "monthly meetings" in 1699.†

In 1701, they built a meeting-house in that town, and members of the society residing in Salisbury, Amesbury, and Newbury, as well as Hampton, assembled there on the first day of the week for public worship.‡

Judge Sewall wrote in his diary, May 23, 1704, "Went early to Salem, convers'd with M^r Noyes told him of the Quaker meeting at Sam Sawyers a week ago, profaneness of the young Hoags professing that heresy." §

Samuel Sawyer was a son of William Sawyer, one of the early settlers of Newbury; and "the young Hoags" were sons of John Hoag, who married April 21, 1669, in Newbury, a daughter of John Emery.

In 1705, a meeting-house was erected in Salisbury, new town, now Amesbury, for the better accommodation of the Quakers residing there and in the neighboring towns.¶

At the "Friends Monthly Meeting" held at Amesbury in the year 1714 the members of that association were granted liberty to meet in Newbury "every 3^d first day y^e week in every month." ¶¶ After that date, meetings of the society were frequently held in Newbury in private houses. In 1743, a meeting-house was erected on the southwesterly side of the

* See *ante*, chap. III, pages 124, 130.

† History of Hampton (Dow), vol. i., p. 393.

‡ History of Amesbury (Merrill), p. 130.

§ Samuel Sewall's Diary, vol. ii., p. 103 (Massachusetts Historical Society Collections, Fifth Series, vol. vi.).

¶ History of Amesbury (Merrill), p. 156. ¶ Ibid., p. 166.

country road, now High street, Newburyport, between Moody's lane, now Woodland street, and Pillsbury's lane, now Ashland street. June 6, 1743, Stephen Sawyer, "In consideration of that good will & affection which I bear to my well respected Friends Robert Rogers, Daniel Sawyer, Stephen Sawyer, Jun., yeomen & Samuel Fowler, Richard Collins, Hezekiah Collins & Samuel Coker, shipwrights & Humphrey Sawyer & Hathorn Coker, Jun., Blacksmiths, all of Newbury," conveyed to the persons above named the land on which the meeting-house was built.*

Stephen Sawyer was a brother of Samuel Sawyer, at whose house the Quaker meeting was held in 1704. He was born in Newbury, April 25, 1663, and married Ann, daughter of William Titcomb, March 10, 1687. By his will dated February 20, 1753, and proved July 23, 1753, he gave his dwelling-house "on the country road," with about forty acres of land adjoining the same, to his sons Daniel and Enoch Sawyer.†

Samuel Coker, shipwright, and Hathorn Coker, jr., blacksmith, named in the deed of conveyance from Stephen Sawyer, were owners or part owners of about three square rods of land, now known as the Quaker burying-ground, on Washington street, Newburyport, which was originally a part of the bequest made by Richard Bartlett in his will, dated April 19, 1695, to his daughter, Tirzah Bartlett, who subsequently married Hathorn Coker.‡

On the land owned by Stephen Sawyer, on the south-

* Essex Deeds, book lxxvii, leaf 263.

† Probate Records, book cccxxi., leaf 439.

‡ William Titcomb was appointed guardian of Tirzah Bartlett in 1698. He was discharged from the care of her estate February 8, 1708-9, "she having become of age, and married Hathorn Coker" (Essex Probate Records, book cccx., leaf 114). After her death, suit was brought in the Court of Common Pleas for Essex County by Hathorn Coker, Samuel Coker, and others, to recover possession of about four acres of land on the southerly side of Merrimack street, extending nearly to High street. The writ was returnable at the court held in Newburyport the last Tuesday in September, 1767. An agreement was then made "to dock the entail"; and March 23, 1768, an indenture for the division of the Coker field, so called, was duly executed.

"It was then Covenanted and agreed that nine rods of the premises being three rods Square at the north west Corner thereof shall be and enure to the use of the Several Persons to whose use the Residue of the premises as before mentioned is to be recovered for a Burying Place for them and their heirs forever, for themselves and their Families who shall have Liberty to pass and repass thereto forever" (Essex Deeds, book cxv., leaf 91).

April 9, 1800, Washington street, extending from Winter to Boardman streets, was laid out by the selectmen of Newburyport, and accepted by the inhabitants of that town at a meeting held

westerly side of High street, several members of the Sawyer family were buried previous to 1743. On the crest of the hill, in the rear of the meeting-house lot, a few worn and dilapidated gravestones are still standing. The only inscription now legible reads as follows:—

HERE LYES Y^e
BODY OF ELIJAH
SAWYER SON OF
DANIEL & SARAH
SAWYER WHO
DIED NOVEMBER
4, 1720 AGED
12 WEEKS.

Daniel Sawyer was also a son of Stephen Sawyer. He was born January 28, 1689, and married Sarah Moody, April 2, 1714. He was one of the grantees named in the deed of conveyance from Stephen Sawyer to the Society of Friends in 1743. In the division of his father's estate he came into possession of about twenty-five or thirty acres of land adjoining to and including the family burying-ground.*

The meeting-house erected by the Society of Friends was a plain, unpretentious structure, about thirty feet wide, forty feet long, and two stories high. Religious services were held in the lower story, and occasionally the upper story was utilized for the same purpose.

In the month of June, 1825, Paul Adams, of Newbury, and Stephen Sawyer and Robert Brown, of West Newbury, "being a committee of the Society of Friends in Newbury," duly authorized to sell the Friends' meeting-house and ground under

May 12, 1800. The entrance to the burying-ground is from the southwesterly side of Washington street. A low granite monument, that marks the enclosure, bears the following inscription:—

THE FAMILY CEMETERY
OF NATHORN COCKER
WHO WITH MANY OF HIS DESCENDANTS
LIE BURIED HERE
JUNE 5, 1865.

*Subsequently, Orlando B. Merrill, guardian of Elijah Sawyer, sold a part of this land to Moses L. Atkinson (Essex Deeds, book cxxiv., leaf 244); and March 31, 1821, Enoch Plumer sold to the said Moses L. Atkinson about six acres additional land, "from which is to be deducted the quantity now improved as a burying ground, being about twenty rods" (Essex Deeds, book cxxxvi., leaf 80). November 6, 1855, John M. Atkinson sold to Eben Griffin about ten acres of land on North Atkinson street in Newburyport, "Reserving the Sawyer Burial Ground, so called, upon said lot" (Essex Deeds, book dxxi., leaf 269).

and adjoining the same, "the said Paul Adams also being an overseer of said society, chosen by the Seabrook Monthly Meeting," gave to Josiah Little, of Newbury, a quitclaim deed "of the lot of ground on High street in said town on which the Friends meeting house now stands," with the building thereon, "being the same land which the Society of Friends have occupied for a meeting house lot for eighty years past." *

At or soon after that date a meeting-house was built just beyond the limits of Newbury, in the neighborhood of Turkey hill, for the use of the Society of Friends. March 4, 1829, Robert Brown, of West Newbury, "in consideration of that good will & affection I bear to my well respected friends Edward Gove, Jun. and Ezekiel Jones, overseers of the Society of Friends in Seabrook Monthly Meeting" conveyed to the said overseers, and their successors in office, land in West Newbury on which a meeting-house was then standing, "so long as the said society shall improve it for a meeting house and hold a meeting for the worship of God." †

May 21, 1855, Josiah Little, of Newburyport, sold to "David Sawyer and Robert L. Brown, overseers of the Society of Friends in West Newbury," about one acre of land "on the road leading from Newburyport to West Newbury by Turkey Hill," which has been since that date used by the members of the society as a burying-ground. ‡

A private school was kept by Miss Upham for several years in the meeting-house on High street after it came into the possession of Josiah Little, Esq. The second quarter of the school was advertised in the Newburyport Herald "to commence August 31, 1825."

Miss Upham was a sister of Thomas C. Upham, Professor of Mental and Moral Philosophy in Bowdoin College, Brunswick, Me. In 1827, she announced that "The French and Italian languages, Painting and other branches of Education usual in Female Seminaries" § would be taught in her school at Belleville.

Some years later the old meeting-house was used as a ves-

* Essex Deeds, vol. ccxxviii., leaf 141. † Ibid., vol. ccxlii., leaf 239. ‡ Ibid., vol. dlix., leaf 281.

§ See advertisement in Newburyport Herald, April 3, 1827.

ciety in Newburyport, and a vigorous effort was made to increase and strengthen its work and influence.

In 1855, during the pastorate of Rev. John L. Trefren, the chapel was removed to its present location, near the Boston & Maine Railroad station, in Byfield parish, Newbury, and subsequently remodelled and enlarged.* Most of the ministers appointed to carry on the work in the new chapel, following the rule or custom of the Methodist church, remained only one year. Several, however, were retained for a longer term of service. Rev. O. S. Butler occupied the pulpit from 1858 to 1861 and again from 1863 to 1866. In 1868, during the pastorate of Rev. Garret Beckman, the church was again remodelled and enlarged.

Rev. William W. Bowers was appointed pastor of the church April 14, 1900, and still retains that office. In the month of September, 1901, the meeting house was removed and a new one erected on the same site. It was dedicated to the worship of God, Sunday, June 15, 1902.

* Land was purchased July 24, 1855, and March 21, 1859. (See Essex Deeds, book dxvii., leaf 33; book dlxxxiv., leaves 299, 300.)







